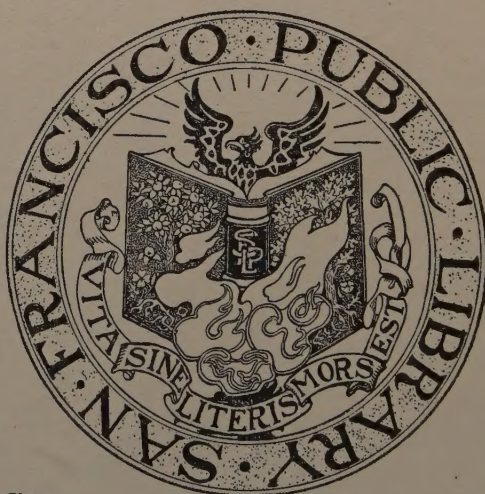






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## PREFACE.

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The papers and addresses presented before this Society during the last six years are published in this volume, with memorials of deceased members.

It has been found impracticable, however, to include here several valuable papers of this series, on account of lack of space in the present volume.

One of these papers, "The Discovery of the Site of Verendrye's Fort St. Charles, on the Minnesota Area west of the Lake of the Woods," by Prof. Francis J. Schaefer, Rector of the St. Paul Seminary, read November 9, 1908, has been published under the title of "Fort St. Charles, the Massacre in the Lake of the Woods, and the Discoveries connected therewith," in *Acta et Dicta*, the publication of the Catholic Historical Society of St. Paul, Volume II, pages 114-133, July, 1909, with two maps between pages 240, 241, in the same volume.

Other papers, which are reserved in the manuscript collections of the Library, received during the period covered by this volume, are as follows:

"The Journal of a Pioneer in Winona County," by Hon. Edward B. Drew, read May 10, 1909; 125 manuscript pages.

"The Beginnings of St. Anthony, Minneapolis, and the University of Minnesota," by Daniel S. B. Johnston, read February 14, 1910; 24 manuscript pages.

St. Paul, Minnesota, as seen Sixty Years ago," by Marcus P. Nichols, read December 12, 1910; 6 manuscript pages.

"Minnesota in Panorama; Address of the Soldier's Statue in Summit Park, St. Paul," a poem by John Talman, read October 10, 1910; 18 manuscript pages.

"William Windom, 1827-1890, His Public Services," a Thesis by Grace Anne Wright, of Duluth, Minn., submitted for the degree of Master of Arts, University of Wisconsin, 1911; presented to this Historical Society, November 15, 1911; 80 manuscript pages.



## CONTENTS.

---

|                                                                                           |         |
|-------------------------------------------------------------------------------------------|---------|
| RAILROAD LEGISLATION IN MINNESOTA, 1849 TO 1875, by RASMUS                                |         |
| S. SABY .....                                                                             | 1-188   |
| I. Territorial railroad legislation, 1849-1857.....                                       | 1       |
| II. A comparative study of the territorial charters.....                                  | 10      |
| III. The railroad bond issue and the general railroad incor-<br>poration law of 1858..... | 30      |
| IV. The eventual adjustment of the state railroad bonds..                                 | 38      |
| V. The land grant railroads, 1861-1864.....                                               | 49      |
| VI. Aid to railroads, 1864-1870.....                                                      | 57      |
| VII. Attempts at railroad control, 1861-1870.....                                         | 61      |
| VIII. The Grangers .....                                                                  | 70      |
| IX. The campaign for railroad legislation in 1870.....                                    | 86      |
| X. Restrictive railroad legislation in 1871.....                                          | 95      |
| XI. Railroad legislation in 1872 and 1873.....                                            | 111     |
| XII. The Granger movement in 1873.....                                                    | 120     |
| XIII. The Granger legislation of 1874.....                                                | 135     |
| XIV. The situation in 1874 after the enactment of the<br>Granger laws .....               | 151     |
| XV. The Granger laws repealed and a new railroad law<br>enacted in 1875.....              | 164     |
| XVI. The significance of the Granger movement.....                                        | 176     |
| Bibliography .....                                                                        | 183     |
|                                                                                           |         |
| THE FIVE MILLION LOAN, by WILLIAM WATTS FOLWELL .....                                     | 189-214 |
|                                                                                           |         |
| THE BEGINNING OF RAILROAD BUILDING IN MINNESOTA, by JOHN H.                               |         |
| RANDALL .....                                                                             | 215-220 |
|                                                                                           |         |
| THE KENSINGTON RUNE STONE; PRELIMINARY REPORT TO THE MIN-                                 |         |
| NESOTA HISTORICAL SOCIETY BY ITS MUSEUM COMMITTEE.....                                    | 221-286 |
| The discovery .....                                                                       | 221     |
| The inscription .....                                                                     | 226     |
| References to the topography of the region.....                                           | 227     |
| Where was Vinland?.....                                                                   | 230     |
| The slight weathering of the rune stone.....                                              | 233     |
| Discussion of the authenticity of the rune record.....                                    | 237     |
| Other rumors concerning Mr. Ohman.....                                                    | 240     |
| The tree that grew on the rune stone.....                                                 | 245     |
| Review of the finding of the rune stone.....                                              | 246     |
| Notes on the record given by the inscription.....                                         | 249     |



|                                                  |     |
|--------------------------------------------------|-----|
| Linguistic objections .....                      | 254 |
| Collateral evidence .....                        | 267 |
| Resolutions adopted by the Museum Committee..... | 267 |

## APPENDIX.

|                                                            |     |
|------------------------------------------------------------|-----|
| Professor Flom's Investigation.....                        | 270 |
| Pronunciation and spelling.....                            | 270 |
| Inflexions .....                                           | 271 |
| Meaning of certain words.....                              | 271 |
| The runes.....                                             | 272 |
| Discussion of these Objections.....                        | 272 |
| Investigation of the Rumor relating to Sven Fogelblad..... | 277 |
| Bibliography .....                                         | 281 |
| Note added for this Volume XV.....                         | 286 |

## THE PUBLIC LANDS AND SCHOOL FUND OF MINNESOTA, by HON.

|                                                           |         |
|-----------------------------------------------------------|---------|
| SAMUEL G. IVERSON, STATE AUDITOR.....                     | 287-314 |
| Foundation of the school fund by Governor Ramsey.....     | 288     |
| Debates in the Constitutional Convention.....             | 292     |
| Grants of land by Congress.....                           | 293     |
| Laws of Minnesota relating to the school fund.....        | 294     |
| Iron ore lands.....                                       | 297     |
| Investment of money received.....                         | 299     |
| Statistics of land grants, sales, and resulting fund..... | 300     |
| Internal improvement lands.....                           | 304     |
| Public building lands.....                                | 305     |
| Agricultural College lands.....                           | 306     |
| Swamp lands .....                                         | 307     |
| Future receipts .....                                     | 310     |
| Suggested changes in the state land laws.....             | 312     |
| Summary of the school system of Minnesota.....            | 313     |

## EARLY DAKOTA TRAILS AND SETTLEMENTS AT CENTERVILLE, MINN.,

|                            |         |
|----------------------------|---------|
| by ALBERT M. GOODRICH..... | 315-322 |
|----------------------------|---------|

## REMINISCENCES OF THE LITTLE CROW UPRISING, by DR. ASA W.

|               |         |
|---------------|---------|
| DANIELS ..... | 323-336 |
|---------------|---------|

## BOYHOOD REMEMBRANCES OF LIFE AMONG THE DAKOTAS AND THE

|                                              |         |
|----------------------------------------------|---------|
| MASSACRE IN 1862, by JOHN AMES HUMPHREY..... | 337-348 |
|----------------------------------------------|---------|

## NARRATIVES OF THE SIOUX WAR, by MARION P. SATTERLEE.....

|                                                  |     |
|--------------------------------------------------|-----|
| The Acton Murders, beginning the Massacre.....   | 349 |
| The Battle of Acton or Kelly's Bluff.....        | 355 |
| Roster of Captain Strout's Company at Acton..... | 365 |
| The Killing of Chief Little Crow.....            | 366 |

## HISTORICAL NOTES OF GREY CLOUD ISLAND AND ITS VICINITY, by

|                   |         |
|-------------------|---------|
| JOHN H. CASE..... | 371-378 |
|-------------------|---------|

|                                                                                                                   |          |
|-------------------------------------------------------------------------------------------------------------------|----------|
| NORTHERN MINNESOTA BOUNDARY SURVEYS IN 1822 TO 1826, UNDER<br>THE TREATY OF GHENT, by HON. WILLIAM E. CULKIN..... | 379-392  |
| References to Sources consulted for this Paper.....                                                               | 390      |
| THE SALE OF FORT SNELLING, 1857, by WILLIAM WATTS FOLWELL.....                                                    | 393-410  |
| A RED RIVER TOWNSITE SPECULATION IN 1857, by DANIEL S. B.<br>JOHNSTON .....                                       | 411-434  |
| The company and the plans and outfit.....                                                                         | 411      |
| Beginning the tramp.....                                                                                          | 412      |
| Wounding two buffaloes, and snowed under.....                                                                     | 415      |
| Killing my first buffalo .....                                                                                    | 417      |
| An all night drive.....                                                                                           | 418      |
| A buffalo herd on the Breckenridge townsite .....                                                                 | 419      |
| Surveying this townsite and killing another buffalo.....                                                          | 421      |
| Moulton returns to St. Paul.....                                                                                  | 422      |
| Men on short rations and cattle starving.....                                                                     | 423      |
| A March flood.....                                                                                                | 424      |
| April blizzards .....                                                                                             | 426      |
| A trying relief experience .....                                                                                  | 427      |
| Two other townsites below Breckenridge.....                                                                       | 428      |
| My second buffalo and how we got him.....                                                                         | 429      |
| Millions in it.....                                                                                               | 430      |
| Afterward .....                                                                                                   | 433      |
| EXPERIENCES IN SOUTHWESTERN MINNESOTA, 1859 TO 1867, by HON.<br>LORIN CRAY .....                                  | 435-454  |
| MEMORIES OF THE EARLY LIFE AND DEVELOPMENT OF MINNESOTA, by<br>THOMAS B. WALKER .....                             | 455-478  |
| REMINISCENCES OF THE EARLY DAYS OF MINNESOTA, 1851 TO 1861,<br>REV. FRANK C. COOLBAUGH, S. T. D.....              | 479-496  |
| EARLY DAYS IN MINNEAPOLIS, by DR. WILLIAM E. LEONARD.....                                                         | 497-514  |
| A SHEAF OF REMEMBRANCES, by MRS. REBECCA MARSHALL CATH-<br>CART .....                                             | 515-552. |
| REMINISCENCES OF MINNESOTA POLITICS, by HENRY A. CASTLE....                                                       | 553-598  |
| HISTORY OF THE PARKS AND PUBLIC GROUNDS OF MINNEAPOLIS, by<br>CHARLES M. LORING.....                              | 599-608  |
| Postscript, in accordance with request of the Council, by<br>William W. Folwell .....                             | 607      |
| HISTORY OF THE PARKS AND PUBLIC GROUNDS OF ST. PAUL, by<br>LLOYD PEABODY .....                                    | 609-630  |
| The Old System; public squares.....                                                                               | 610      |
| Court House Square .....                                                                                          | 610      |
| Rice Park .....                                                                                                   | 611      |

|                                                                                                                                                            |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Irvine Park .....                                                                                                                                          | 611     |
| Smith Park .....                                                                                                                                           | 612     |
| Summit Park .....                                                                                                                                          | 612     |
| Central Park .....                                                                                                                                         | 613     |
| Lafayette Square .....                                                                                                                                     | 613     |
| The New System of Parks.....                                                                                                                               | 614     |
| Como Park .....                                                                                                                                            | 614     |
| Phalen Park .....                                                                                                                                          | 619     |
| Indian Mounds Park .....                                                                                                                                   | 620     |
| Harriet Island .....                                                                                                                                       | 621     |
| Linwood Park .....                                                                                                                                         | 622     |
| Parkways and Boulevards.....                                                                                                                               | 622     |
| Mississippi River Boulevard .....                                                                                                                          | 623     |
| Wheelock Parkway .....                                                                                                                                     | 624     |
| Lexington Parkway .....                                                                                                                                    | 625     |
| Como Avenue Parkway .....                                                                                                                                  | 625     |
| Como Avenue Boulevard .....                                                                                                                                | 626     |
| Cherokee Heights and the West Side Boulevard.....                                                                                                          | 626     |
| Midway Parkway .....                                                                                                                                       | 627     |
| Playgrounds .....                                                                                                                                          | 627     |
| Streets under the Care of the Park Board.....                                                                                                              | 628     |
| Parks and Parkways in Prospect.....                                                                                                                        | 628     |
| NATHANIEL PITT LANGFORD, THE VIGILANTE, THE EXPLORER, THE<br>EXPOUNDER AND FIRST SUPERINTENDENT OF THE YELLOWSTONE<br>PARK, by OLIN D. WHEELER.....631-668 |         |
| BIOGRAPHIC MEMORIAL OF DR. CHARLES N. HEWITT, by WILLIAM<br>WATTS FOLWELL .....                                                                            |         |
|                                                                                                                                                            | 669-686 |
| BIOGRAPHIC MEMORIAL OF FREDERICK DRISCOLL, by HENRY A. CAS-<br>TLE .....                                                                                   |         |
|                                                                                                                                                            | 687-710 |
| GENERAL JAMES SHIELDS, SOLDIER, ORATOR, STATESMAN, by HENRY<br>A. CASTLE .....                                                                             |         |
|                                                                                                                                                            | 711-730 |
| ADDRESS AT THE UNVEILING OF THE STATUE OF GENERAL SHIELDS,<br>IN THE CAPITOL OF MINNESOTA, OCTOBER 20, 1914, by ARCHBISHOP<br>JOHN IRELAND .....           |         |
|                                                                                                                                                            | 731-740 |
| ADDRESSES ON THE PRESENTATION OF THE PORTRAIT OF PROFESSOR<br>JABEZ BROOKS .....                                                                           |         |
|                                                                                                                                                            | 741-748 |
| By JUDGE HASCAL R. BRILL, of St. Paul.....                                                                                                                 | 741     |
| By GEN. LUCIUS F. HUBBARD, of St. Paul.....                                                                                                                | 743     |
| By PROF. N. H. WINCHELL, of Minneapolis.....                                                                                                               | 744     |
| By DR. WILLIAM W. FOLWELL, University of Minnesota.....                                                                                                    | 746     |
| MEMORIAL ADDRESS IN HONOR OF GOVERNOR JOHNSON, by JUSTICE<br>THOMAS D. O'BRIEN.....                                                                        |         |
|                                                                                                                                                            | 749-751 |

|                                                                                                                                        |         |
|----------------------------------------------------------------------------------------------------------------------------------------|---------|
| THE STATUE OF GOVERNOR JOHNSON AT THE STATE CAPITOL.....                                                                               | 752     |
| MEMORIAL ADDRESSES IN HONOR OF GENERAL JAMES HEATON                                                                                    |         |
| BAKER .....                                                                                                                            | 753-757 |
| By JUDGE LORIN CRAY, of Mankato.....                                                                                                   | 753     |
| By THOMAS HUGHES, of Mankato.....                                                                                                      | 754     |
| By GOVERNOR VAN SANT, of Minneapolis.....                                                                                              | 755     |
| By HON. HANFORD L. GORDON, of Los Angeles, California.....                                                                             | 756     |
| MEMORIAL ADDRESS IN HONOR OF JUDGE LOREN WARREN COLLINS,<br>by HON. COLIN F. MACDONALD, of St. Cloud.....                              | 757-762 |
| MEMORIAL ADDRESS IN HONOR OF JUDGE FRANCIS MARION CROSBY,<br>by EDWARD C. STRINGER, of St. Paul.....                                   | 762-764 |
| MEMORIAL ADDRESS IN HONOR OF CLARENCE CHRISTOPHER DINEHART,<br>State Treasurer, by HON. JULIUS A. SCHMAHL, Secretary of<br>State ..... | 764-765 |
| MEMORIAL ADDRESS IN HONOR OF WILLIAM HOOD DUNWOODY, by DR.<br>CYRUS NORTHROP, University of Minnesota.....                             | 765-773 |
| MEMORIAL ADDRESS IN HONOR OF PROFESSOR SAMUEL BOWDLEAR<br>GREEN, by CYRUS NORTHROP.....                                                | 774-776 |
| MEMORIAL ADDRESS IN HONOR OF GOVERNOR LUCIUS FREDERICK HUB-<br>BARD, by the Secretary, WARREN UPHAM.....                               | 776-778 |
| MEMORIAL ADDRESSES IN HONOR OF DAVID LANSING KINGSBURY....                                                                             | 778-780 |
| By WARREN UPHAM .....                                                                                                                  | 778     |
| By JUSTICE LOREN W. COLLINS.....                                                                                                       | 779     |
| MEMORIAL ADDRESSES IN HONOR OF NATHANIEL PITT LANGFORD,                                                                                |         |
| President of this Society.....                                                                                                         | 780-789 |
| By REV. DAVID R. BREED, D. D., of Pittsburg, Pa.....                                                                                   | 780     |
| By GEN. WILLIAM G. LE DUC, of Hastings.....                                                                                            | 782     |
| By HENRY S. FAIRCHILD, of St. Paul.....                                                                                                | 783     |
| By WARREN UPHAM, Secretary .....                                                                                                       | 786     |
| MEMORIAL ADDRESSES IN HONOR OF REV. AMBROSE McNULTY.....                                                                               | 789-793 |
| By FATHER FRANCIS J. SCHAEFER, Rector of the St. Paul Sem-<br>inary .....                                                              | 789     |
| By RT. REV. JOHN J. LAWLER, Auxilliary Bishop of St. Paul..                                                                            | 791     |
| MEMORIAL ADDRESSES IN HONOR OF REV. EDWARD CRAIG MITCHELL..                                                                            | 793-800 |
| By REV. FRANCIS J. SCHAEFER, of St. Paul.....                                                                                          | 793     |
| By PROFESSOR N. H. WINCHELL, of Minneapolis.....                                                                                       | 795     |
| By REV. MAURICE D. EDWARDS, D. D., of St. Paul.....                                                                                    | 797     |
| MEMORIAL ADDRESS IN HONOR OF WILLIAM PITT MURRAY, by HENRY<br>S. FAIRCHILD .....                                                       | 800-802 |



|                                                                                            |         |
|--------------------------------------------------------------------------------------------|---------|
| MEMORIAL ADDRESS IN HONOR OF CHANNING SEABURY, by EVERETT<br>H. BAILEY .....               | 802-804 |
| MEMORIAL ADDRESS IN HONOR OF SAMUEL RICHARD THAYER, by WIL-<br>LIAM H. HINKLE .....        | 804-805 |
| MEMORIAL ADDRESSES IN HONOR OF HENRY PRATT UPHAM, Treas-<br>urer of this Society .....     | 806-813 |
| By WILLIAM H. LIGHTNER, of St. Paul.....                                                   | 806     |
| By EVERETT H. BAILEY, of St. Paul.....                                                     | 810     |
| By HON. JOHN B. GILFILLAN, of Minneapolis.....                                             | 811     |
| By HON. CHANNING SEABURY, of St. Paul.....                                                 | 812     |
| By REV. JOHN WRIGHT, of St. Paul.....                                                      | 812     |
| MEMORIAL ADDRESS IN HONOR OF HENRY CHESTER WAITE, by HON.<br>COLIN F. MACDONALD .....      | 813-816 |
| MEMORIAL ADDRESS IN HONOR OF SENATOR WILLIAM DREW WASH-.....<br>BURN, by WARREN UPHAM..... | 816-817 |
| MEMORIAL ADDRESS IN HONOR OF FREDERICK WEYERHAEUSER, by<br>NEWEL H. CLAPP.....             | 817-824 |
| MEMORIAL ADDRESSES IN HONOR OF PROFESSOR NEWTON HORACE<br>WINCHELL .....                   | 824-830 |
| By WARREN UPHAM, Secretary .....                                                           | 824     |
| By DR. WILLIAM W. FOLWELL, University of Minnesota.....                                    | 829     |
| By COLONEL JAMES HAMILTON DAVIDSON, of St. Paul.....                                       | 830     |
| MEMORIALS OF OTHER DECEASED MEMBERS, 1909-14, by WARREN<br>UPHAM .....                     | 831-848 |
| Samuel Emery Adams .....                                                                   | 831     |
| Charles Edwin Allen .....                                                                  | 831     |
| Charles Gordon Ames.....                                                                   | 831     |
| Arthur Converse Anderson .....                                                             | 831     |
| Daniel A. J. Baker .....                                                                   | 832     |
| Adolph Francis Alphonse Bandelier.....                                                     | 832     |
| George Washington Batchelder .....                                                         | 832     |
| Albert Stillman Batchellor .....                                                           | 832     |
| John Edson Bell .....                                                                      | 833     |
| Peter Berkey .....                                                                         | 833     |
| Charles Henry Bigelow .....                                                                | 833     |
| Clara Wooster Abbie Blackman .....                                                         | 833     |
| Julian Clarence Bryant .....                                                               | 833     |
| Augustus R. Capehart .....                                                                 | 834     |
| Theodore G. Carter .....                                                                   | 834     |
| James Erwin Child .....                                                                    | 834     |
| Simeon P. Child .....                                                                      | 834     |
| Francis Byron Clarke .....                                                                 | 835     |

# CONTENTS.

xiii

|                                   |     |
|-----------------------------------|-----|
| Eugene B. Crane .....             | 835 |
| Frank Bertine Daugherty .....     | 835 |
| Thomas Hunter Dickson .....       | 835 |
| Reuben Thomas Durrett.....        | 835 |
| Richmond Pearl Everett .....      | 835 |
| Henry Shields Fairchild .....     | 836 |
| George R. Finch .....             | 836 |
| Alcée Fortier .....               | 836 |
| Henry Gannett .....               | 836 |
| Charles Benajah Gilbert .....     | 837 |
| Joseph Alexander Gilfillan .....  | 837 |
| Earle S. Goodrich .....           | 837 |
| Halsey R. W. Hall .....           | 837 |
| Osee Matson Hall .....            | 838 |
| Herbert Leslie Hayden .....       | 838 |
| Henry Williamson Haynes .....     | 838 |
| Isaac V. D. Heard .....           | 838 |
| Rev. J. C. Herdman.....           | 838 |
| Sheldon Jackson .....             | 839 |
| Edwin Ames Jaggard .....          | 839 |
| Daniel S. B. Johnston .....       | 839 |
| William Harris Laird .....        | 839 |
| Joseph Lockey .....               | 840 |
| Thomas Lowry .....                | 840 |
| Alfred Thayer Mahan .....         | 840 |
| Robert Laird McCormick .....      | 841 |
| Charles Jairus Martin .....       | 841 |
| George Washington Martin .....    | 841 |
| William Worrall Mayo .....        | 841 |
| Francis Davis Millet .....        | 842 |
| William A. Morin .....            | 842 |
| Clinton Morrison .....            | 842 |
| John Muir .....                   | 842 |
| Marcus Philip Nichols .....       | 843 |
| John D. O'Brien .....             | 843 |
| George Wright Peavey .....        | 843 |
| Curtis Hussey Pettit .....        | 843 |
| David Ramaley .....               | 843 |
| Henry Clay Ranney.....            | 844 |
| Leonard August Rosing .....       | 844 |
| Theodore Leopold Schurmeier ..... | 844 |
| Dolson Bush Searle .....          | 844 |
| Timothy J. Sheehan .....          | 844 |
| Thomas Henry Shevlin .....        | 845 |
| Goldwin Smith .....               | 845 |
| Robert Armstrong Smith .....      | 845 |

|                                 |         |
|---------------------------------|---------|
| Truman M. Smith .....           | 845     |
| Samuel C. Staples .....         | 845     |
| H. Ward Stone .....             | 846     |
| Reuben Gold Thwaites .....      | 846     |
| James Beach, Wakefield .....    | 847     |
| George Welsh .....              | 847     |
| Milo White .....                | 847     |
| Oric Ogilvie Whited.....        | 848     |
| William Chapman Williston ..... | 848     |
| Thomas Wilson .....             | 848     |
| INDEX .....                     | 849-872 |

## ILLUSTRATIONS.

|                                                                                                                                                                                                                                                                      | Page |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| PLATE I. Map of the Railroads of Minnesota in 1875.....                                                                                                                                                                                                              | 1    |
| II. The Kensington Rune Stone, Edge View and Face View                                                                                                                                                                                                               | 221  |
| III. Map of the Vicinity of Kensington and Pelican Lake,<br>and of the Farm where the Rune Stone was found                                                                                                                                                           | 221  |
| IV. Sections of Poplar Trees, showing the estimated size<br>and age of the tree growing above the Rune Stone                                                                                                                                                         | 225  |
| V. Sections of Poplar Trees of a stunted growth, similar<br>to the trees growing above the Rune Stone.....                                                                                                                                                           | 229  |
| VI. Smith's Chart of the Northmen's Routes.....                                                                                                                                                                                                                      | 233  |
| VII. Portrait of Dr. Asa W. Daniels.....                                                                                                                                                                                                                             | 323  |
| VIII. Portraits of Jesse V. Branham, Jr., Thomas G. Holmes,<br>Albert H. Sperry, Chauncey Lamson, Nathan Lam-<br>son, and James Birney Lamson.—People escaping<br>from the Sioux Massacre, in 1862, under guidance<br>of John Other Day, at dinner on a prairie..... | 349  |
| IX. Northern Boundary, as shown on a Map by John Mitch-<br>ell, 1755 .....                                                                                                                                                                                           | 379  |
| X. Portrait of Dr. William W. Folwell.....                                                                                                                                                                                                                           | 393  |
| XI. Portrait of Judge Lorin Cray.....                                                                                                                                                                                                                                | 435  |
| XII. Portrait of Thomas B. Walker.....                                                                                                                                                                                                                               | 455  |
| XIII. Portrait of Mrs. Rebecca Marshall Cathcart.....                                                                                                                                                                                                                | 515  |
| XIV. Portrait of Nathaniel P. Langford.....                                                                                                                                                                                                                          | 631  |
| XV. Portrait of Dr. Charles N. Hewitt.....                                                                                                                                                                                                                           | 669  |
| XVI. Portrait of Frederick Driscoll.....                                                                                                                                                                                                                             | 687  |
| XVII. Portrait of General James Shields.....                                                                                                                                                                                                                         | 711  |
| XVIII. Portrait of Professor Jabez Brooks.....                                                                                                                                                                                                                       | 741  |
| XIX. Portrait of William H. Dunwoody.....                                                                                                                                                                                                                            | 765  |
| XX. Portrait of Henry Pratt Upham.....                                                                                                                                                                                                                               | 807  |
| XXI. Portrait of Professor Newton Horace Winchell.....                                                                                                                                                                                                               | 825  |
| FIGURE 1. The Poplar Tree and the Rune Stone.....                                                                                                                                                                                                                    | 245  |









# RAILROAD LEGISLATION IN MINNESOTA, 1849 to 1875.\*

BY RASMUS S. SABY.

## CHAPTER I.

### TERRITORIAL RAILROAD LEGISLATION, 1849-1857.

The Territory of Minnesota was organized by an act of Congress approved March 3, 1849. It comprised all of what is now the state of Minnesota and the portions of the Dakotas east of the Missouri and White Earth rivers. The legislative power of the territory was vested in a governor and a legislative assembly consisting of a Council and a House of Representatives. The laws in force in the Territory of Wisconsin at the date of its admission into the Union continued valid and operative in the Territory of Minnesota as far as applicable, but were subject to change by legislative enactment. Alexander Ramsey of Pennsylvania was appointed governor of the new territory.

There were in 1849 only a few straggling settlements along the principal rivers. According to the territorial census taken that year, the population numbered 4,680.<sup>1</sup> The assessable property amounted to only \$414,936. The Sioux Indians still

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After graduation at the University of Minnesota in 1907, Mr. Saby took a further course of studies there, later was Harrison Fellow in Political Science at the University of Pennsylvania, and now is an instructor in political economy and politics at Cornell University. A great part of his research on this subject was carried forward in the Library of the Minnesota Historical Society and in the Minnesota State Library, consulting the state and federal reports, legislative journals and laws, other books, pamphlets, and files of newspapers, which are cited in the footnotes of this work and listed in its Bibliography.

1. House Journal (Minn.), 1849, p. 214.

occupied the land west of the Mississippi, and Minnesota on the whole was "unsettled and unsurveyed."<sup>2</sup>

But the pioneers had an unbounded faith in the future. Governor Ramsey, in his first message to the legislative assembly, said: "No portion of the earth's surface perhaps combines so many favorable features for the settler as this territory. \* \* \* The immigrant and the capitalist need but perceive these sources of prosperity and wealth to hasten to seize upon them by settling among us. \* \* \* It may not be long ere we may with truth be recognized throughout the political and moral world, as indeed the 'polar star' of the Republican Galaxy."<sup>3</sup>

But though the early settlers saw visions of future greatness and wealth, their present condition was not so ideal. The eastern markets on which they were largely dependent were distant and not easily accessible, and the different settlements were in poor and primitive communication with each other. There was but one mail route leading into the territory, on which was transmitted a weekly mail from Prairie du Chien, Wisconsin, during the season of navigation, and a semi-monthly mail from the same place during the winter season.<sup>4</sup> Many new roads were needed, and some of the existing roads were so bad that at times many settlers were prevented from procuring even the most necessary supplies.<sup>5</sup> Nine memorials concerning roads and mail routes were sent to Congress in 1849,<sup>6</sup> and to all these Congress "responded in the affirmative and made the necessary appropriations."<sup>7</sup> The governor reported in his message to the legislature in 1853 that work was progressing satisfactorily on both old and new roads.<sup>8</sup>

Wagon and military roads were necessary and answered their purposes, but other means of transportation were fully as essential to the growth and development of the new terri-

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2. Council Journal (Minn.), 1849, p. 187.

3. Council Journal, 1849, p. 7.

4. From Memorial to Congress, Laws of Minn., 1849, p. 171.

5. Laws of Minn., 1849, Memorial, p. 172.

6. Laws of Minn., 1849, Memorials Nos. 1, 3, 4, 6, 9, 10, 11, 13, 14,

7. House Journal, 1851, p. 22.

8. Council Journal, 1853, p. 32.



tory. The magnificent river systems seemed to afford an admirable means of connecting the different parts of the territory with each other, and the whole with the outside world. Congress had provided for roads, why should it not also open these natural highways of commerce? The improvement of the "majestic Mississippi," with its gigantic trade affecting the interests of so many states, seemed logically an object of national magnitude and national importance.

It was urged that the improvement of the rivers would expedite the sale and facilitate the settlement of the public lands through which they flowed. And besides, had not the federal government assumed special jurisdiction over all navigable streams?<sup>9</sup> Congress, however, was not disposed to undertake any such "internal improvements." Its activity in this line had ceased back in President Jackson's administration.

By this time railroad construction had made great progress in many of the older states. Wisconsin territory, of which Minnesota territory had been a part, had incorporated a number of railroad companies, two of them as early as 1836;<sup>10</sup> but naturally, what later came to be Minnesota was not much affected either by the agitation or by the projects at this time.

Minnesota territory soon saw the advantages and possibilities of the railroad. Already in 1851, its legislative assembly memorialized Congress for a "liberal donation and appropriation" in aid of railroads.<sup>11</sup> A bill to incorporate a railroad company passed the house of this assembly, but was negatived in the council.<sup>12</sup> In 1852 an attempt was made to incorporate another railroad company, but the bill failed to pass the house in which it originated.<sup>13</sup>

By 1853 the transportation problem assumed a different phase. The boasted river systems were seen to be inadequate, even though they were extensively improved. They would

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9. House Journal, 1851, p. 16.

10. Laws of Wisconsin, 1836, pp. 33 and 54.

11. Laws of Minn., 1851, Memorial No. 4.

12. St. Paul and St. Anthony Ry. Co., H. F. No. 15; House Journal, 1851, pp. 127, 150.

13. Lake Sup. and Miss. Ry. Co., H. F. No. 46. House Journal, 1852, p. 184.

have to be supplemented by railroads, if the territory were to enjoy proper transportation facilities. A railroad would be needed to connect the navigable waters of the Mississippi and of the Red river of the North, and another to connect the Mississippi with Lake Superior.<sup>14</sup> The arguments which had been used to urge Congress to build roads and improve rivers were now used in favor of federal aid in railroad construction. Land grants had been made to aid in the construction of canals in a number of states; but attempts to secure land grants for railroads for a long time proved futile, even though the transfer of the grant for the Illinois and Michigan canal to a railroad company as early as 1833 might easily have been taken as a precedent.<sup>15</sup>

Through the repeated efforts of Stephen A. Douglas and others, the Illinois Central railroad received a federal land grant in 1850. In supporting the measure Mr. Douglas argued: "It is following the same system that was adopted in reference to improvements of a similar character in Ohio, Indiana, Alabama, Wisconsin, and Illinois in reference to her canal. It is simply carrying out a principle which has been acted upon for thirty years, by which you cede each alternate section of land and double the price of the alternate sections not ceded, so that the same price is received for the whole. . . . It is an old practice long continued by the government."<sup>16</sup>

In 1853 Governor Ramsey recommended that the legislative assembly memorialize Congress for similar grants in aid of Minnesota railroads.<sup>17</sup> The sentiment was strong that public lands ought to be so managed as to secure their speedy settlement. Besides getting aid for their railroads, the territory would through such grants secure the extinction of the federal title to the land, which many considered only secondary in importance to the extinction of the Indian title.<sup>18</sup> The governor outlined quite definitely what soon came to be the settled railroad construction policy of the territory, namely, through

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14. Message of Gov. Ramsey, Council Journal, 1853, p. 30.

15. 4 U. S. Statutes, 662.

16. Congressional Globe, 1850, p. 845.

17. Council Journal, 1853, p. 30.

18. Ibid., p. 31.

federal aid, in the form of land grants, to build railroads in advance of actual business needs to settle the country and develop its resources. But the legislative assembly evidently did not support the governor's plan by acclamation. Three memorials to Congress concerning railroads and railroad grants were drawn up, but they all failed to pass.<sup>19</sup> Seven bills to incorporate railroad companies were introduced at this session, of which five passed after discussion and amendment.<sup>20</sup> Only two of these charters make any mention of probable federal or state land grants.<sup>21</sup>

In 1854, the Minnesota and Northwestern Railroad Company was incorporated, and by its charter any future federal land grant was made over to it in fee simple "without any further deed and action." The same assembly memorialized Congress for a grant of lands.<sup>22</sup> Congress complied, but provided that the land should not accrue to any railroad company already "constituted or organized."<sup>23</sup> Friends of the Minnesota and Northwestern, however, managed to get this provision enrolled as "constituted and organized."<sup>24</sup> Since the company, though incorporated, was not yet definitely organized, this change would give the company a technical claim to the land. But the change was discovered, and an investigation followed. The result was a repeal of the land grant act about a month after its enactment.<sup>25</sup> The right of Congress to repeal the act was contested, but after a long process of litigation the repeal was held valid by the United States Supreme Court.<sup>26</sup>

A tremendous spirit of opposition was aroused on the chartering of this company. It was claimed that the legislature had acted without sufficient consideration; that the territory had secured no "resulting interest" in the land grant; and

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19. Council Journal, 1853, p. 29; H. F. No. 1; House Journal, 1853, pp. 108 and 198; C. F. Nos. 2 and 3.

20. See House Journal, 1853, Index. C. F. Nos. 2, 6, 7, 16, 21, passed; C. F. No. 11 and H. F. No. 4 did not pass.

21. Laws of Minn., 1853, ch. 10, sect. 18; ch. 16, sect. 14.

22. Laws of Minn., 1854, p. 159.

23. 10 U. S. Stat., 302.

24. Council Journal, 1855, App. p. 5

25. 10 U. S. Stat., 575.

26. Rice vs. Minn. and N. W. R. R. Co.

that, as there was no provision in the charter authorizing its amendment, the company had been placed beyond the reach of future legislative action. The agitation did not diminish when it became known that the eastern financier on whose means the company had mainly depended for the construction of the railroad had disappeared and "become a fugitive from the justice of the community he had basely swindled."<sup>27</sup> The people were all anxious to get railroads, for they appreciated their vital importance for the future development of the territory; but for this very reason many were unwilling to give private corporations full control of these quasi-public agencies. They wanted to keep them under effective public control.

When an amendment to the charter was proposed in 1855, Governor Gorman,<sup>28</sup> in a special message concerning the Minnesota and Northwestern railroad company, asserted that the purpose of this amendment was evidently to cure all failures and defalcations of the company. He urged the assembly to do what it could to secure the repeal of the charter by Congress.<sup>29</sup> On the other hand, the assembly received numerous petitions from interested districts expressing full confidence in the railroad company.<sup>30</sup> The contested amendment was passed by a large majority,<sup>31</sup> and when it failed to get the signature of the governor it was without difficulty passed over his veto.<sup>32</sup> Other amendments to this charter were made during this session, apparently on the assumption that the company had a legal right to the land grant.

In his message to the legislative assembly the next year, 1856, the governor reported that the Minnesota and Northwestern railroad company had not made the \$150,000 guarantee deposit required of it, the amendments to its charter had not been accepted, and no money had been expended in the construction of the railroad.<sup>33</sup>

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27. House Journal, 1855, App. p. 44.

28. Succeeded Gov. Ramsey, May 15, 1853.

29. Council Journal, 1855, App. p. 73.

30. House Journal, 1855, see App.

31. Council Journal, 1855, p. 142.

32. House Journal, 1855, App. p. 143.

33. Ibid., 1855, App. p. 6.

Many railroads had been incorporated since 1853, but none of them proved very active. In the meantime the territory was growing rapidly in population and in wealth. By 1857 Minnesota had over 150,000 inhabitants and taxable property amounting to nearly \$50,000,000.<sup>34</sup> The need of railroads was felt more keenly than ever. Said Governor Gorman: "I should be glad to see an outlet by railroad from our winter home at any sacrifice of individual opinion as to policy, and indeed any other reasonable sacrifice, save the honor of the territory and the enthrallment of those who take our places."<sup>35</sup>

It was long believed that, though formidable objections might exist to granting land to states for railroad purposes, such objections could not be raised against grants to territories under the quasi-guardianship of the general government.<sup>36</sup> But it was now realized that the same objections applied, and that a territory did not occupy such an enviable position after all.

It was also of vital importance to Minnesota at this time that "she be a state and fully represented" at Washington, because of a projected railroad to the Pacific. The newly organized Republican party and the Democratic party both asserted in their platforms of 1856 that it was the duty of the federal government to aid such a road.<sup>37</sup> It was firmly believed that the final location of this road would determine whether Minnesota was to become the "wealthiest of states" or a "mere feeder."<sup>38</sup> The gravity of the situation awakened a sense of responsibility, and the territory became eager to step out from the dependent position and to assume the duties and privileges of statehood.

Minnesota territory had reason to be grateful to the twenty-fourth Congress. The Minnesota enabling act was passed February 26, 1857,<sup>39</sup> and one week later extensive land grants

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34. Second Annual Report of the Com. of Statistics for 1860-61, p. 121.

35. House Journal, 1855, App. p. 7.

36. Council Journal, 1855, p. 39.

37. McKee, *The National Convention and Platform of all Political Parties (1789-1900)*, pp. 99 and 94, resp.

38. House Journal, 1857, p. 43.

39. 11 U. S. Stat., 166.



were made to aid the construction of Minnesota railroads.<sup>40</sup> A special session of the legislative assembly was convened to consider these acts. Minnesota was now free to "organize her own institutions in her own way," and the land grants were hailed as inaugurating a new era in the progress of her people.<sup>41</sup>

The legislative assembly accepted the land grants in trust and granted them conditionally to four railroad companies, three of which had been previously incorporated. These have become known as the land grant companies. With St. Paul and Minneapolis as a center, they were planned primarily to market the grain raised in the Mississippi and tributary river valleys in Minnesota and in the great Red river valley in the Northwest.

1. The Minnesota & Pacific Railroad Company was incorporated at this session and authorized to build a railroad from Stillwater by way of St. Paul, St. Anthony and Minneapolis, to Breckenridge, with a branch from St. Anthony to St. Vincent.<sup>42</sup>

2. The Transit Railroad Company was to build a line from Winona by way of St. Peter to the Big Sioux river south of the 45th parallel of north latitude.<sup>43</sup>

3. The Root River and Southern Minnesota Railroad Company was to build one railroad from La Crescent via Target lake up the valley of the Root river to Rochester, and another railroad from St. Paul and St. Anthony, via Minneapolis, Shakopee City, Mankato and other cities, to the Iowa line "in the direction of the mouth of the Big Sioux river."<sup>44</sup>

4. The Minneapolis and Cedar Valley Railroad Company was to build a railroad from Minneapolis to the south line of Minnesota west of range sixteen.<sup>44</sup>

In consideration of the lands granted and the charter privileges given, these companies were to pay into the state treasury annually three per cent of their gross earnings in lieu of all other taxes, and their lands were to be exempt from taxation till sold or conveyed.

40. 11 U. S. Stat., 195.

41. Council Journal, 1857, Ex. Session, p. 6.

42. Laws of Minnesota, 1857, Extra Session, p. 4.

43. Ibid., p. 16.

44. Ibid., pp. 18 and 20.

The constitutional convention met in St. Paul the second Monday in July, as provided for in the enabling act<sup>45</sup> and according to an act passed by the territorial legislature in its special session.<sup>46</sup> To be more exact, two conventions met, for the Republican and the Democratic delegates met separately. Owing to irregularities at the election, there were many disputed seats and both parties planned to capture the organization of the convention. As a result both factions organized independently. Neither recognized the existence of the other, and the two are reported separately.<sup>47</sup> But unofficially they compared notes as they proceeded, and finally, through appointed conferees, they agreed on the same constitution, word for word.<sup>48</sup> The constitution, emanating as it did from both conventions and duly signed and certified by each, was ratified almost unanimously by the people.

The main provisions of the constitution limiting the powers of the legislature in its relations with private corporations are the following: First, for the purpose of defraying extraordinary expenses the state may contract public debts not exceeding \$250,000, except by a two-thirds vote of both houses, yeas and nays recorded;<sup>49</sup> second, the state should never contract any debts for works of public improvement, or be a party in carrying on such works, except as a trustee in cases where land or other grants have been made specifically for such purposes;<sup>50</sup> third, the credit of the state was never to be given or loaned in aid of any individual association or corporation;<sup>51</sup> fourth, no corporation was to be formed under special act, except for municipal purposes;<sup>52</sup> each stockholder in any cor-

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45. Passed Feb. 26, 1857.

46. Laws of Minn., 1857, Extra Session, ch. 99.

47. The Debates and Proceedings of the Minnesota Constitutional Convention, officially reported by Francis H. Smith (Dem.); Debates and Proceedings of the Constitutional Convention for the Territory of Minnesota, T. F. Andrews, official reporter to the Convention (Rep.)

48. Folwell, Minnesota, p. 141.

49. Const. of Minn., Art. 9, sec. 5.

50. Ibid., sec. 5.

51. Ibid., sec. 10.

52. Art. 10, sec. 2.

poration was to be liable to the amount of stock held;<sup>53</sup> and common carriers enjoying right of way privileges were to be bound to carry mineral, agricultural and other productions, or manufactures, on equal and reasonable terms.<sup>54</sup>

These are vital provisions. The first two show that the delegates at the conventions wished Minnesota to profit by the example of other states, which by aiding and carrying out internal improvements had brought themselves to the verge of bankruptcy and in some cases to actual repudiation.<sup>55</sup> Incorporation of companies by special act was forbidden, to do away with the practice of granting special privileges to railroad and other companies.<sup>56</sup> The clause was not passed without opposition, for it was firmly believed by many that railroad corporations necessarily required special privilege, and that it would be impossible to frame a general law applicable to all.<sup>57</sup>

The clause fixing the liability of stockholders was inserted to insure a greater degree of responsibility in all commercial and industrial ventures, including railroads and railroad construction. The most advanced provision is that which by implication declares railroads to be common carriers and attempts to secure the various industries of the state against unjust discriminations by obliging them to carry the different products at equal and reasonable terms.

## CHAPTER II.

### A COMPARATIVE STUDY OF THE TERRITORIAL CHARTERS.

The territorial legislature of Minnesota incorporated twenty-seven railroad companies. With the "Act to provide for the incorporation and regulation of railroad companies," passed by the first state legislature in pursuance of article 10, section 2, of the constitution, grants of special railroad charters ceased, at any rate formally. Old charters were, however, frequently "revived and continued" and answered the purpose of new special charters.

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53. *Ibid.*, sec. 3.

54. Art. 10, sec. 4.

55. For instances see Scott, *Repudiation of State Debts*.

56. Minn. Constitutional Debates, F. H. Smith, reporter; Speech of Mr. Sibley, p. 121.

57. *Ibid.*, see pp. 124-177.

## RAILROAD CHARTERS GRANTED BY THE TERRITORY.

| No. | Name of Company.                                                                 | Date.         | Citation, Session<br>Laws of Minn. |
|-----|----------------------------------------------------------------------------------|---------------|------------------------------------|
| 1.  | St. Paul and St. Anthony Falls,                                                  | March 2, 1853 | 1853, Ch. 12.                      |
| 2.  | Minnesota Western,                                                               | March 3, 1853 | 1853, Ch. 10.                      |
| 3.  | Louisiana and Minnesota,                                                         | March 5, 1853 | 1853, Ch. 6.                       |
| 4.  | Mississippi and Lake Superior,                                                   | March 5, 1853 | 1853, Ch. 15.                      |
| 5.  | Lake Sup., Puget Sound and Pacific,                                              | March 5, 1853 | 1853, Ch. 16.                      |
| 6.  | Minn. and Northwestern, Transit (not accepted by company),                       | March 4, 1854 | 1854, Ch. 47.                      |
| 7.  | Root R. Valley and Southern Minn.,                                               | March 4, 1854 | 1854, Ch. 33.                      |
| 8.  | Transit,                                                                         | March 2, 1855 | 1855, Ch. 24.                      |
| 9.  | Winona and LaCrosse,                                                             | March 3, 1855 | 1855, Ch. 27.                      |
| 10. | Minneapolis and St. Cloud,                                                       | Feb. 5, 1856  | 1856, Ch. 159.                     |
| 11. | Minneapolis and Cedar Valley,                                                    | March 1, 1856 | 1856, Ch. 160.                     |
| 12. | Lake Sup. and Northern Pacific,                                                  | March 1, 1856 | 1856, Ch. 166.                     |
| 13. | Mississippi and Missouri,                                                        | March 1, 1856 | 1856, Ch. 158,* p. 301.            |
| 14. | Northern Pacific,                                                                | March 1, 1856 | 1856, Ch. 163.                     |
| 15. | Lake Superior and Central Minn.,                                                 | March 1, 1856 | 1856, Ch. 165.                     |
| 16. | Hastings, Minn. R. and Red R. of the North,                                      | March 1, 1856 | 1856, Ch. 158,* p. 280.            |
| 17. | Nininger, St. Peter and Western,                                                 | Feb. 20, 1857 | 1857, Ch. 39.                      |
| 18. | Minn., and Dakota,                                                               | March 4, 1857 | 1857, Ch. 7.                       |
| 19. | St. Paul and Taylor's Falls,                                                     | March 4, 1857 | 1857, Ch. 24.                      |
| 20. | Minn. Air Line,                                                                  | March 7, 1857 | 1857, Ch. 17.                      |
| 21. | Minn. and Pacific,                                                               | May 22, 1857  | 1857, Ex. Ses., Ch. 71.            |
| 22. | Mississippi Valley,                                                              | May 22, 1857  | 1857, Ex. Ses., Ch. 1.             |
| 23. | Lake Sup. and Crow Wing,                                                         | May 22, 1857  | 1857, Ex. Ses., Ch. 27.            |
| 24. | Mississippi R. Branch,                                                           | May 23, 1857  | 1857, Ex. Ses., Ch. 74.            |
| 25. | Minn. and Northwestern,                                                          | May 23, 1857  | 1857, Ex. Ses., Ch. 53.            |
| 26. | Minn. Central,                                                                   | May 23, 1857  | 1857, Ex. Ses., Ch. 49.            |
| 27. | Neb. and Lake Superior, (Minn. Improvement Co., authorized to build a railroad), | May 23, 1857  | 1857, Ex. Ses., Ch. 2.             |
|     |                                                                                  | May 23, 1857  | 1857, Ex. Ses., Ch. 93.            |
|     |                                                                                  | May 23, 1857  | 1857, Ex. Ses., Ch. 56.            |

\* Two chapters are numbered the same.

For convenience in reference, these charters are numbered in the order of their approval. Where several charters were granted the same day the order is arbitrary.

Number 27 is not included in the list of railroad companies chartered by the territorial legislature, given by the railroad commissioner in his report in 1871.<sup>58</sup> But as it was accepted by the company<sup>59</sup> and later "amended and continued,"<sup>60</sup> there is no reason for excluding it.

These territorial charters form an interesting comparative study. A uniform incorporation law would have worked no hardship on any of the companies incorporated, for all were to be built and operated under very similar conditions; and though conditions may have been somewhat different, an examination of the charters will reveal few variations which can be traced to any such legislative forethought. The form of the charter, as well as its contents, was in the main determined by the railroad promoter, for whom the varied charters of the other states served as models, and not by the legislature. The charter proposed by the promoter, sometimes amended to be sure, became the charter of the railroad company. For this reason we find that charters passed during the same session, and often on the same day, are quite dissimilar.

Though very dissimilar in many respects, the general plan of the charters is much the same in all. In all but two<sup>61</sup> the named incorporators, and their successors and assigns, are declared to be a body corporate with usual corporate powers. A part or all of these incorporators are to constitute a board of commissioners, under whose direction subscriptions may be received after due announcements. A certain amount of cash is to be paid down on each share subscribed for, and, after a specified amount of stock is subscribed and cash paid in, the commissioners are to call a meeting of stockholders for the purpose of organizing. A board of directors is to be elected. Every share entitles its holder to one vote, and stockholders may vote by proxy. The directors are, as a rule, given quite

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58. Report of the Railroad Com. (Minn.) for the year 1871, p. 5.

59. Records in the office of the Secretary of State.

60. Special Laws of Minn., 1861, Ch. 1.

61. Nos. 18 and 23.



unrestricted powers. They are to manage the affairs of the company and make all needful rules and regulations; but the provision, "not inconsistent with the constitution of the United States or with the laws of this territory," is frequently added. The directors are authorized to make "calls" on unpaid subscriptions, within a maximum amount usually stated; and non-compliance, in all but three cases, involves forfeiture. The amount of capital stock is fixed, but generally an upper limit is mentioned to which it may be raised by the directors with the consent of the majority of the stock.

Right of way is given through private and public property and across streams, public and private roads, and highways. Additional lands may also be acquired when necessary for railroad purposes. In cases of expropriation, methods of settlement are in all cases designated. The usefulness of roads and streams is not to be essentially impaired.

Nearly all the charters provide for connecting and uniting, and some also for consolidation, with other railroad companies. The power to borrow money, give security, and issue bonds, is quite generally given. Penalties are imposed for damaging or obstructing the railroads. There is always a time limit set for completing at least a part of the projected railroad, and often also for organizing the company and beginning work. More than half of the charters are declared to be public acts, and in most of them provisions are made for amendment by the legislature.

This is in short the outline of the normal Minnesota railroad charter. The plank road and canal charters follow much the same plan. But the provisions in respect to these different general features vary considerably, both as to wording and content, while numerous special features are brought in. Some, however, have many provisions in common, with many sections verbatim alike, and in a few instances whole charters are almost identical. With few exceptions, the charters may be placed in groups, but within these groups again some may in turn resemble each other more closely than others.

Numbers 5, 11, 20, 24, and 25, may be said to constitute one such group. Number 5 differs from the others mainly in providing different expropriation proceedings. Sections 6 to 15,

inclusive, of number 11, are "adapted and enacted as parts" of number 24, "to be known and numbered as therein known and numbered." Numbers 5 and 11 name the commissioners who are to open books, while the others make this the duty of the incorporators or a part of them. The general trend of these charters is like some of those granted by Wisconsin. The right of way proceedings of all but number 5 are verbatim like those found in an amendment to the Madison and Beloit railroad charter.<sup>62</sup> The provision as to borrowing money and issuing bonds, which may be exchanged for stock as the directors may provide, is much like section 16 of the Ohio and Mississippi railroad charter of Illinois; and numbers 11, 24, and 25, have similar provisions also as to uniting and connecting with other roads.<sup>63</sup>

Numbers 18 and 23 are very similar, and with these might be placed the railroad franchises given the Minnesota Improvement Company, but these do not appear to have been made use of. These two charters appoint the named persons commissioners, under the majority of whom subscriptions may be received; when the stockholders organize, they are to become a body corporate. These charters can easily be traced to Wisconsin. Most of their provisions may be found almost verbatim in such charters as those of the Lake Michigan and Mississippi,<sup>64</sup> Madison and Swan Lake,<sup>65</sup> La Crosse and Milwaukee,<sup>66</sup> Racine, Janesville and Mississippi,<sup>67</sup> railroad companies, incorporated by that state. The fifty-year corporation life limit is, however, not found in the Wisconsin charters. The first plank road charter granted in Minnesota<sup>68</sup> may also be traced to the same source.

Another group is numbers 12, 14, and 15; and with these may also be placed numbers 2 and 4. Number 2 is very similar to the Beloit and Madison railroad charter.<sup>69</sup> Number 4 is almost verbatim like that of the New Haven and Monroeville railroad

62. Laws of Wisconsin, 1851, p. 203.

63. Private Laws of Illinois, 1851, p. 89.

64. Laws of Wis., 1847, p. 72.

65. Laws of Wis., 1851, p. 172.

66. Laws of Wis., 1852, p. 325.

67. Laws of Wis., 1852, p. 591.

68. Laws of Minn., 1849, p. 91.

69. Laws of the State of Wis., 1848, p. 161.

company, chartered by Ohio.<sup>70</sup> The provision limiting the bond issue to three-fourths of the amount actually expended may be traced to an amendment of the Beloit and Madison charter.<sup>71</sup> The right to reciprocal use of railroads at connecting points is like section 23 of the Northwestern charter.<sup>72</sup> Judging from internal evidence, it would seem that number 4 came directly from Ohio, while the others came by way of Wisconsin.

The largest group is that which comprises numbers 7, 8, 9, 10, 13, 16, 19, 26, 27, and perhaps also numbers 6 and 17. The Transit charter of 1854, which was not accepted, would have belonged to this group. Number 6 is derived quite directly from the Illinois Central charter.<sup>73</sup> Governor Gorman characterized it as substantially like the Illinois Central, except that it left out nearly, if not quite, all the guards and securities expressly provided for in the Illinois charter.<sup>74</sup> In the effort to float capital into the country to undertake railroad construction in advance of the economic needs, frontier railroad legislation almost always had a tendency to be very liberal. The provisions of the charters of this group may nearly all be derived from Illinois charters, especially from the Illinois Central. The provisions concerning bell or whistle, railroad crossing signs, badges to be worn by trainmen, and fencing, are similar to those found in Illinois, which had been derived from New York charters. Such regulations were not so frequent in Wisconsin and Ohio charters. It may be of interest to note that the charter incorporating the Minnesota Point Ship Canal Company<sup>75</sup> betrays a common origin with this group.

Numbers 1, 3, 21, and 22, do not resemble each other particularly, nor do they fit into any of the foregoing groups. Number 1 is in many respects very similar to the Wellsville and Pittsburgh railway charter granted by Ohio,<sup>76</sup> and also to the Dayton and Western charter of the same state.<sup>77</sup> The provision authorizing the borrowing of money resembles an act

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70. Local Laws of Ohio, 1836, p. 357.

71. Laws of Wis., 1851, p. 203.

72. Laws of Wis., 1852, p. 646.

73. Private Laws of Ills., 1851, p. 61.

74. Council Journal, 1855, p. 122.

75. Laws of Minn., Ex. Ses., 1857, Ch. 75.

76. Local Laws of Ohio, 1846-7, p. 183.

77. Ibid., p. 93.

authorizing the Mad River and Lake Erie railroad company to borrow money.<sup>78</sup>

In number 3 we find the first twelve sections practically verbatim like those of the charter of the Alton and Springfield railroad,<sup>79</sup> granted by the Illinois legislature in 1847, and some of the remaining sections are also similar. One peculiarity of this charter is that it provides that in expropriation land shall be taken "as provided by the act [of Congress] concerning right of way approved March 3, 1845." The words "of Congress" were inserted in brackets by way of explanation, but are misleading. Congress passed no such act on that day. The act cited is an act of the legislature of Illinois,<sup>80</sup> and was referred to in the Illinois charter; this provision was copied in the Minnesota charter together with the rest.

Number 22 may be traced to Wisconsin. It bears a strong resemblance to the Northwestern<sup>81</sup> and the Beloit and Madison<sup>82</sup> charters of that state.

The provisions of number 21 are mostly derived from Wisconsin. The first part resembles some Illinois charters;<sup>83</sup> but the main provisions may be found in the Arena and Dubuque charter<sup>84</sup> and the land grant charters and enactments of Wisconsin in 1856.<sup>85</sup> Likewise the other land grant enactments of Minnesota in 1857 may be traced directly to this source. The general railroad incorporation law of 1858 is from beginning to end almost verbatim like that of Ohio.<sup>86</sup>

It would be difficult in most instances to point out with any degree of certainty the exact charters which served as models for those of Minnesota. The similarity may in some cases merely indicate a common origin. I think it quite safe to say that Minnesota got nearly all her charter provisions from Ohio, Wisconsin, and Illinois, especially from the two latter. A few

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78. Local Laws of Ohio, 1846, p. 27.

79. Private Laws of Ills., 1847, p. 144.

80. General Laws of Ills., 1845, Ch. 92, p. 478; approved March 3, 1845.

81. Laws of Wisconsin, 1852, p. 646.

82. *Ibid.*, p. 55.

83. Private Laws of Ills., 1849, p. 78; 1851, p. 61.

84. Gen. Laws of Wis., 1856, p. 680.

85. *Ibid.*, p. 239, Ch. 137; p. 217, Ch. 122.

86. Revised Laws of Ohio, 1854, Ch. 29, p. 191.

scattered provisions may have been taken directly from New York, Pennsylvania, or New England charters. It is but natural that railroad promoters in a frontier territory like Minnesota should look to the neighboring states, in which railroads were developing under very much the same conditions, for charter models.

The length of the charters varies from twelve to thirty-three sections, the maximum being in numbers 17 and 22, which were passed in different sessions of the same year. The number of incorporators varies from eight to twenty-six (the maximum in numbers 8 and 27). The number of incorporators, however, plays no important part. W. A. Gorman, on the floor of the constitutional convention in 1857, said that many were included merely for the purpose of organizing the company and never owned any stock at all.<sup>87</sup> Mr. Meeker added that probably one-half the names mentioned in the acts granting charters are of persons who are not even aware that such charters are in existence.<sup>88</sup> In 1853, when the bill to incorporate the St. Paul and St. Anthony Railroad Company (C. F. No. 7) was before the house, it was moved in the committee of the whole to amend the bill by adding to the list of incorporators four new names and the names of the members of the legislative assembly.<sup>89</sup> This amendment, however, was not accepted by the council. But seven new incorporators were inserted by the house in the bill to incorporate the Louisiana and Minnesota (C. F. No. 6), and the council accepted the amendment.<sup>90</sup> In the Minnesota and Northwestern charter the names of Governor Gorman and Secretary Rosser "were inserted without being consulted on the subject, and both gentlemen were desirous that their names should not be used in connection with any act of the legislature of this character."<sup>91</sup> This is indicative of the loose methods of legislation in vogue at the time. The incorporators were in no way responsible for the debts incurred. The system was vicious and would not be tolerated anywhere but in a frontier settlement.

87. Const. Debates, Reported by Francis H. Smith, p. 225.

88. *Ibid.*, p. 225.

89. House Journal, 1853, p. 138.

90. *Ibid.*, p. 137.

91. Council Journal, 1855, p. 212.



The number to constitute the board of commissioners varies, and is often quite indefinite. In some cases all the incorporators or a majority of them are authorized to open books. In two charters (numbers 5 and 11) certain of the incorporators are named as commissioners. The method most frequently provided is for the incorporators to appoint three of their number to serve in this capacity. Two charters (numbers 18 and 23) began by naming the commissioners, "under a majority of whom subscriptions may be received to the capital stock of the railroad company hereby incorporated." Ten charters<sup>92</sup> provide for the meeting and acceptance of the charters on the part of the incorporators.

The amount of capital stock varies greatly, and not entirely with the length of the road proposed. The lowest is \$40,000; and the highest \$50,000,000, with the privilege of raising it to \$100,000,000. The last is quite remarkable for a territory having taxable property listed at less than two and a half million dollars. The legislators seem to have been guided by no economic principle as to stock issue. It appears that neither they nor the promoters had any definite idea of the amount of capital necessary to carry out the enterprise, but some and generally an ample amount was allowed as a matter of course to get the work started. The charter of the Minnesota and Northwestern<sup>93</sup> was, however, an exception. It provided that the capital stock of that corporation should be \$10,000,000, which might be increased from time to time to any sum not exceeding the entire amount expended on the road. This is an approach to capital stock regulation, but would most likely not be very effective in practice. Too much depended on the mere assertion of the company. Mr. A. J. Edgerton, the railroad commissioner, in his report for the year 1873, said: "The stock in nearly all the companies has been issued as a matter of accommodation either connected with transfers or in negotiating bonds. In only a very few companies does capital stock represent any money paid into the company. In some instances the original projectors, or localities interested, subscribed and paid for a certain amount of stock, but generally this stock

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92. Nos. 6, 7, 8, 9, 13, 16, 19, 22, 26, 27.

93. No. 6.

was wiped out by subsequent purchases of the road by issuing another class of stock. The complaint against watering stock hardly applies to railroads in this state from the fact that, in most instances, stock was issued without any cash equivalent, and representing no material assets, and consequently was hardly susceptible of dilution. The volume might be increased from time to time, but the consistency remained the same."<sup>94</sup> Legislation regarding capitalization was lax in territorial days and from the above report it would seem that it continued lax for some time after. With two exceptions (numbers 7 and 13), shares of the capital stock were one hundred dollars each. Two charters (numbers 11 and 24) authorized counties, cities, and towns, along railroad lines to buy stock and issue bonds in payment, when so decided by majority vote.

We find eleven charters<sup>95</sup> which contain the provision that shares shall be deemed personal property. This was common in railroad charters and in general incorporation laws of the time. The provision was found in an amendment to a turnpike charter in Massachusetts as early as 1796.<sup>96</sup> It had been incorporated into the Minnesota and Northwestern charter (No. 6), and when this charter was exposed to its fiery ordeal, this point was taken up for discussion. It was objected to because if shares were deemed personal property the stock could only be taxed where the owners resided. When Governor Gorman vetoed an act to amend the charter (No. 5, H. F.), he stated in his objections: "It is clear that this provision was to avoid taxation in Minnesota. I cannot therefore let go our right to tax their capital stock and all their property, real and personal."<sup>97</sup> This and other objections were given, but they seemed to have little weight as far as this bill was concerned, for it passed both houses easily by the required two-thirds majority, and became a law.<sup>98</sup> But two new charters granted this year (numbers 7 and 8) had both been amended by striking out this clause.<sup>99</sup>

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94. Ex. Docs., 1873, Vol. II, p. 132.

95. Nos. 5, 6, 10, 11, 13, 19, 20, 21, 24, 25, 27.

96. Laws of Mass., 1796, Ch. 5, p. 8.

97. Council Journal, 1855, p. 126.

98. Ibid., p. 133.

99. House Journal, 1855, No. 48, H. F., p. 298; No. 5, C. F., p. 296.

The amount of capital stock which must be subscribed before the stockholders could meet and organize varies greatly, not only in amount, but also in per cent of the total capital stock. One charter (number 17) provides that \$500,000 must be subscribed, and five per cent paid down in cash; the amount of capital stock is to be \$2,000,000. Another charter (number 20), granted at an extra session the same year, only requires that "a sum not more than \$50,000 shall have been subscribed to the capital stock," which in this case is to be \$5,000,000. This last was indeed a chance for the railroad promoter to begin work with little capital.

The maximum "call" for payment on capital stock is in three charters (numbers 1, 6, 21) placed at the discretion of the directors; two charters (numbers 3 and 17) have no provisions at all concerning this matter; in one (number 20) the maximum call is five per cent per month. From five to twenty per cent, ten per cent and ten dollars per share, in each case at the discretion of the directors but on at least thirty days notice, are the more common provisions. In three charters (numbers 1, 6, 21) it is provided that when installments are not paid, stock may be sold at auction, and the balance which may be left shall be paid over to the owner. The other charters all provide for forfeiture of stock on non-payment, due notice to be given in all cases.

Each share entitled the owner to one vote, which he might exercise in person or by proxy. In some cases it is provided that only shares with paid-up installments entitle the holder to votes. The directors are to be elected by majority vote. In only one charter (number 22) is there any irregularity in these respects. By this charter the land grant companies are authorized to subscribe to the capital stock in proportion to the length and cost of the roads built by each. The directors of the new company are to be elected from the different companies which are stockholders in proportion to the amount of stock held; but whenever individual subscriptions amount to \$200,000, such stockholders shall be entitled to one director, and on larger subscriptions in like proportion.

The number of directors varies from five to fifteen; and in some cases where the companies are authorized to consolidate,

the new board of directors is not to exceed twenty-one. Twelve and nine are the most common numbers. Seven charters<sup>100</sup> provide for a board of twelve directors who are to be divided into three classes, each class holding office for one, two, and three years, respectively. After the first election four new directors are to be elected annually for a term of three years. In other charters all the directors are elected annually. Directors are to be chosen from the stockholders. One charter (number 6) provides that all must be citizens of the United States and three of them residents of Minnesota; another (number 14), that one must be a resident of Minnesota; a third (number 27), that three must be residents of Minnesota; and a fourth (number 21), that a majority of the board of directors must be citizens of Minnesota. One charter (number 7) does not mention the election of directors at all.

Nearly all the charters provide that the directors may establish and collect such "tolls" or rates as they may deem reasonable. One charter (number 5), however, sets the maximum passenger rate at four cents per mile. An amendment to another<sup>101</sup> sets the maximum rate at ten per cent above the rate charged by the Illinois Central. Rates were what would induce capital to build and invest, and it was but natural that the legislature at the time should be liberal.

The right of way is in all cases granted the railroad companies. The width of the right of way varies. Out of the twenty-seven charters, eight<sup>102</sup> provide that land may be taken, not exceeding one hundred feet in width; one (number 2) sets the maximum at one hundred and thirty feet, except where more is necessary for turnouts, buildings and the like; another (number 17), at one hundred and fifty feet. In two charters there is no definite limit set, one (number 1) authorizing the company to "enter upon any land, to survey, construct and lay down said road," not mentioning width at all, the other (number 3) authorizing the company to lay out their road wide enough for a double track. The remaining fifteen provide that the companies may appropriate to their own use and control,

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100. Nos. 6, 8, 9, 10, 13, 16, 19.

101. To No. 6; *Laws of Minn.*, 1855, p. 67.

102. Nos. 4, 12, 14, 15, 18, 22, 23, 25.



for the purpose of the railroad and its appurtenances, land not exceeding two hundred feet in width. In the second report of the industrial commission it is stated, "In California the unusual liberty of laying out its road not exceeding nine rods wide is given the company."<sup>103</sup> In Minnesota it was quite usual to authorize two hundred feet, or over twelve rods. Previous to 1855 the territory had no authority to grant right of way through public domain. Governor Gorman called attention to this fact in his message that year,<sup>104</sup> just before Congress extended this right, which had for some time been enjoyed by states,<sup>105</sup> also to territories.<sup>106</sup>

The method of effecting a settlement for lands taken for right of way or for other "necessary purposes," where the owner was absent, incapable of conveying, or unwilling to agree, varied considerably. One charter (number 5) provided that in such cases a jury of twelve men should be summoned and sworn by a justice of the peace to ascertain the value of the land taken. Another (number 1) provided that the district judge, or two justices of the peace, were to issue warrants to the sheriff or marshal of the county to summon three disinterested freeholders to arbitrate for the compensation to be awarded. In four charters (numbers 4, 12, 14, 15) the company and the landowners or their representatives are each to appoint an arbitrator, and these in turn to appoint a third, and then to proceed to estimate the value of the property taken or the amount of damages sustained. But if owners do not agree to arbitrate (not in number 4), the company may petition the circuit court, or the district or county court, for the appointment of these commissioners. The remaining charters provide for the appointment of three commissioners by some court or judge. In seven<sup>107</sup> the appointment is to take place on the application of the railroad company; in one (number 22), on application of either dissatisfied party. One charter (number 3) provides for such appointment only in cases where owners are absentees or incapable of conveying their lands, "accord-

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103. House Docs., 57th Cong., 1st Session, Vol. 72, p. 896.

104. Council Journal, 1855, p. 125.

105. 10 U. S. Stat., 28.

106. 10 U. S. Stat., 683.

107. Nos. 1, 2, 11, 20, 21, 24, 25.



ing to act [of Congress] concerning right of way approved March 3, 1845." (See foregoing page 16.)

In the remaining charters<sup>108</sup> the three commissioners are to be appointed on a signed petition of the company, definitely stating what lands are to be taken, and after publishing the fact for a certain length of time. The commissioners appointed are to be from the county in which the property lies. In nearly all charters it is provided that in estimating the value of the land taken and the damages sustained, the advantages as well as disadvantages to the owners are to be taken into account; and some as a precaution add that in no case shall a balance be awarded the company.

Most of the charters provide, among the enumerated corporate rights, that the company may acquire, convey, and possess such real and personal property as may be necessary to carry on its business. The charters seem to imply that an effort shall first be made to acquire the right of way and other necessary lands by purchase or otherwise before resorting to expropriation. Number 21 is an exception.

Some charters state definitely that only an easement is acquired on expropriation. In one charter (number 3, section 7), however, there can be no doubt that the intention was to convey in fee simple. In another (number 21, section 13) the idea seems to be the same: "and whenever the amount of such award or judgment shall be tendered or deposited as aforesaid, an absolute estate in fee simple in such lands shall be and become vested in said company." A third (number 5, section 10) provides that on expropriation and settlement the company shall have the "same right to take, own and possess said lands and material as fully and absolutely as if the same had been granted and conveyed to said company by deed."

In other charters the wording is more indefinite. Number 7 (section 7) provides that "the said corporation shall upon payment to each party interested \* \* \* \* become invested and seized of the title of the lands or real estate \* \* \* \* and entitled to the full, free and perfect use and occupation of the same for the purposes aforesaid, which are, for all the objects of this act, hereby declared to be public purposes."

108. Nos. 6, 7, 8, 9, 10, 13, 16, 17, 18, 19, 23, 26, 27.

Thirteen charters<sup>109</sup> give free right of way through territorial or future state lands "to be held and possessed so long as the same shall be used for such purposes." All but three of these (numbers 6, 19, 21) expressly exempt free right of way through school lands. Sections 16 and 36 of every township had been reserved for school purposes by the act of Congress organizing the territory. For right of way through these lands the company must pay not less than one dollar and twenty-five cents per acre as determined by the legislature, the proceeds going to the school fund.

Federal land grants figured largely in the hopes of the territory in securing railroads. The population and wealth of the territory did not warrant railroad construction on any large scale, and railroad systems were deemed to be essential to the development of the natural resources. One of the first charters (number 2, section 18) provided that the "fee simple of all lands granted along the said railroad or otherwise by the Congress of the United States, for the purpose of aiding said road, may be directly granted to said company and shall be vested in or transferred to said company." Four other charters (numbers 12, 14, 15, 16) have like provisions. The charter granted to the Minnesota and Northwestern (number 16) makes the provision stronger. The future land grants "are hereby granted in fee simple, absolute and without any further act or deed." Number 5 is authorized to "accept and hold to its use any grant, gift, loan or power of franchise, which may be granted to or conferred upon said company by the laws of any state or of the United States, or by any person or persons, upon such terms and conditions as may be imposed."

The Minnesota and Pacific (number 21) was given a part of the federal land grant of 1857<sup>110</sup> in its original charter. Three others (numbers 7, 8, and 11) by special enactments also received parts of this same grant. No mention of land grants had been made in their original charters. These grants were to accrue to the companies proportionately on the completion of every twenty miles of railroad.

Most of the charters provide for connecting, while many

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109. Nos. 6, 7, 8, 9, 13, 16, 17, 18, 19, 21, 23, 26, 27.

110. 11 U. S. Stats., 195.

provide for leasing, purchase, and reciprocal use at connecting points, or for consolidation. The charters do not indicate any general fear of monopoly. One of the last special charters granted (number 25) provides that the company "shall have the power to unite its railway with any other railway now constructed or which may hereafter be constructed in this territory or adjoining states or territories, upon such terms as are mutually satisfactory between the companies connecting \* \* \* and shall have the power to consolidate its stock with any other company or companies."

Six charters<sup>111</sup> provided for "reciprocal use of said respective roads," where the roads connect; and in case of disagreement as to terms either party might appeal to the supreme court of the territory, "whose duty it shall be to fix such terms for the respective parties as may be equitable." Others simply provide for mutual agreement. Five charters<sup>112</sup> authorized the consolidation of stock, change of name, and new joint board of directors not to exceed twenty-one in number. In some charters consolidation or connection with certain named companies is authorized.

Only a few charters contain any provisions concerning taxation. Where no special mention or exemption was made, they would be taxed as other corporations on their capital stock and all their property both real and personal.<sup>113</sup> A special form of taxation, however, grew up in connection with federal land grants in aid of railroads. The Illinois Central was paying seven per cent of its gross income into the state treasury. It was believed in Minnesota also that the territory ought to secure a "fair resulting interest" before she parted with the federal grants. They might "secure sufficient interest to pay all the taxes of the territory or future state, if that direction be advisable, for half a century or more to come."<sup>114</sup> All that the charter of the Minnesota and Northwestern secured, however, was seven per cent of the net earnings to be paid in semi-annually after the company cleared twenty per cent. If num-

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111. Nos. 2, 12, 14, 15, 22, 27.

112. Nos. 12, 14, 15, 22, 27.

113. Council Journal, 1855, p. 126.

114. Council Journal, 1855, p. 36.

ber 12 got land aid, the territory or future state was to have a "suitable resulting interest" in the lands and one per cent annually of the net proceeds of the road. Numbers 14, 15, and 16, simply provide for a "suitable resulting interest," in proportion to the quantity of land granted and the length of the road in the territory or future state. Number 21, and enactments giving land grants to numbers 7, 8, and 11, provide that in consideration of grants, privileges and franchises granted, the companies shall pay three per cent of their gross earnings annually in lieu of all taxes and assessments whatever, and the lands granted are to be exempt from taxation till sold or conveyed.

Charters and enactments having provisions concerning federal lands grants usually provide for carrying United States mail and such freight and passengers as may be offered by the government. This was in accordance with conditions imposed in the federal land grant acts. Two charters (numbers 17 and 22) have such provisions though no promise is made of land grants.

Some charters provide for publicity of accounts. Numbers 6, 11, 20, and 24, demand that full and correct accounts of the financial condition of the companies be published annually. Number 6 provided that the charter would be null and void if this annual report were not made to the governor. The others had no provisions to enforce such publicity. With the land grant and gross income per centum enactments of 1857,<sup>115</sup> provisions were made to secure the territory its dues. The governor, or other duly appointed person, was authorized to inspect the books and papers of the companies, and to examine their officers, agents and employees under oath to ascertain the truth of their accounts.

Powers granted to borrow money and issue bonds are very liberal. The minimum bond denomination is usually set at five hundred dollars. This was no doubt to insure against railroad bonds being issued and used as currency. Number 6 provides, as so many charters of other states had done, that "no banking privileges are hereby granted said company."

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115. Laws of Minn., 1857, Ex. Ses., Ch. 1.



The first charter granted (number 1) authorized the company to borrow any amount of money not exceeding \$200,000, and to issue bonds in convenient amounts not less than one hundred dollars each. Seven charters<sup>116</sup> limit the bond issue to three-fourths of the whole amount actually expended on the "road and its appendages" at the time of its completion. Several charters authorize the companies to borrow on such terms and rates of interest as they can. Number 21 expressly provides "any law on the subject of usury in this territory or future state, or any state where such transaction may be made, to the contrary notwithstanding."

All the charters, excepting numbers 12, 14, and 15, provided penalties for damaging and obstructing the railroads. If these provisions had all been carried out, similar offences would have been punishable in many different ways. To illustrate, if the damage were done to the Minnesota Western (number 2), the guilty person would be liable to treble the damages to be recovered in civil action; but if done to the Louisiana and Minnesota (number 3), chartered two days later, he must forfeit treble damages and is furthermore guilty of a misdemeanor, and on indictment and conviction is liable to a fine not exceeding \$5,000, for the use of the county. If the damage were done to the Minnesota and Northwestern (number 6), he must pay treble damages to the company and "shall be imprisoned until payment thereof, unless sooner discharged by due proceedings of law;" he is further subject to indictment, and may be fined from \$30 to \$1,000, "to the use of the territory or future state," or may be "imprisoned in the penitentiary or jail for a term not exceeding five years," in the discretion of the court. The St. Paul and Taylor's Falls charter (number 19) provides for double damages to be paid to the company; the offender is furthermore guilty of a misdemeanor and on conviction must serve from five to ten years in the territorial prison, and in case of death resulting from his misdeed he is to be held guilty of murder in the second degree. These are a few of the many different provisions. This great discrepancy is due almost entirely to the use of different models in drawing up the charters.

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116. Nos. 2, 10, 12, 14, 15, 16, 27.



There are time limits set in all the charters. The time for beginning work ranges from two to five years. Number 9 sets the time at ten years, but from the context this must be a misprint. Five charters<sup>117</sup> provide for completion in ten years. Most of them provide for the building of certain of the more important parts within a specified time. Two companies (numbers 2 and 10) are permitted to build their roads in sections. Some of the charters provide that the grants and franchises are null and void if the companies do not comply with the time requirements. Number 13 provides that a failure to comply with any of the requirements of that charter shall forfeit all the charter rights and privileges. Similarly numbers 12, 14, and 15, make compliance with all terms and conditions, the conditions of the charter remaining in force "for the full term of fifty years." These are the only companies whose charters are not perpetual, and this provision is not found in the models from which they were drawn up. In 1853 we find that the committee on internal improvements recommended that the charter privileges asked for the Mississippi and Lake Superior (number 4) be granted for the period of fifty years,<sup>118</sup> but this recommendation was not acted upon. In a message to the legislature in 1855 the governor said: "The modern doctrine is now well understood among public men, that no corporation for the concentration of large capital should have perpetual and unalterable charters, and in most New England states this guard is reserved to the people as it rightfully ought to be." The three charters out of the seven granted the following year were thus limited.

Fourteen charters<sup>119</sup> provide for amendment. The charters granted in 1853 provide that the legislature may alter or amend, or alter, amend or repeal. Number 7 provides that any subsequent legislature may amend "in any manner." The Transit (number 8) is the first one that provides that the amendment is not to "destroy or impair vested rights," and this provision is found in all charters following that make any mention of amendment at all.

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117. Nos. 4, 5, 9, 20, 21.

118. Council Journal, 1853, p. 43.

119. Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 25, 26, 27.

The house amended the bill to charter the Transit Railroad Company by striking out this clause,<sup>120</sup> but the council did not concur and the provision remained. Number 6 made no mention of amendment, but in the amendment to this charter the following year it was specified that the "legislature may repeal, amend or modify, after the expiration of twenty years, provided that compensation be made said company for all damages sustained thereby."

A number of the charters contain general provisions. In the Minnesota and Pacific charter (number 21) section 27 establishes a uniform gauge of four feet eight and a half inches for all railroads in the territory. In the Minnesota and Northwestern it was provided that if the charters were not accepted by the named incorporators any other company approved by the governor and treasurer of the territory might accept and be vested with their rights and subject to the liabilities set forth in the charter. In a rider to number 7 a county is organized and its government provided for and the county seat of another county is fixed. Reciprocal rights with connecting roads are provided for in some charters.

Fifteen<sup>121</sup> of the charters provide that "this act is hereby declared to be a public act." It is a question whether this was done consciously to secure the right to amend. It was most likely done merely in imitation of railroad charters of other states. Though declared a "public act," the Louisiana and Minnesota charter (number 3) is found with the other railroad charters, not so declared, among the private acts in the collated statutes of Minnesota, 1853.

The charters were all very liberal to the corporations, as the earlier charters of other states had been. The later experience of neighboring states, though at times made use of, was not thoroughly incorporated into the charters. Many restrictive provisions are found, but the means of enforcing them are generally quite wanting. Railroad problems were not understood in advance of actual experience.

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120. House Journal, 1855, p. 297.

121. Nos. 3, 6, 7, 8, 9, 10, 11, 13, 19, 21, 22, 23, 25, 26, 27.

## CHAPTER III.

## THE RAILROAD BOND ISSUE AND THE GENERAL RAILROAD INCORPORATION LAW OF 1858.

After the treaties of 1851 with the Indians at Traverse des Sioux and Mendota, which were ratified later by the Senate and were proclaimed by President Fillmore in 1853, the territory west of the Mississippi was thrown open to settlement, and the population of the territory increased by leaps and bounds. Prior to 1855 only a little over half a million acres of public land had been sold in Minnesota. In 1855 over a million acres were transferred to settlers, and in 1856 nearly two and a half million acres.<sup>122</sup>

Only a relatively small area was under cultivation; but the territorial newspapers and the prospectuses, handbooks and other literature scattered broadcast at the time, picture the agricultural possibilities in the most glowing terms. Lumbering was one of the chief industries and the rivers began to teem with logs. Villages sprang up as if by magic, often in anticipation of rural settlement and of industrial and commercial enterprise. Sawmills were run to their full capacity, frequently night and day, to supply the enormous demand for building materials. Land offices, hotels, and livery stables, did a flourishing business everywhere.

Speculation was rife on all sides. Unimproved lands, bought for one dollar and a quarter an acre in the winter of 1856, were surveyed and city lots recorded. In 1857 many of these lots were sold to eager buyers at fifty dollars an acre, even though there was not even a log cabin in sight.<sup>123</sup> Such paper towns were at times laid out within a mile of each other. In older settlements city lots bought for five hundred dollars in the morning might sell for a thousand in the afternoon of the same day.<sup>124</sup> The value of corner lots, factory sites, and water power privileges, was largely speculative, de-

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122. Parker, *Handbook for Minnesota*, 1856-7, p. 112.

123. Department of Agriculture, *Report*, 1863, p. 36; Letter of O. H. Kelley, Itasca.

124. Parker, *Minn. Handbook for 1856-7*, p. 20; one such sale in Red Wing described.

pending to a great extent on the final location of the proposed railroads. Property values in general were abnormally high.

These "wild riots of financial adventure" came to an abrupt close. The Ohio Life Insurance and Trust Company of New York failed before the Minnesota constitutional convention adjourned. Other large eastern corporations followed suit, and the panic of 1857 was precipitated. When the news reached Minnesota, cash and credit disappeared, and likewise thousands of speculators who had been caught unawares. Paper city lots lost their charms, land agencies closed their doors, factories and mills soon came to a standstill. For a time it seemed as though the tide of immigration had turned, and that Minnesota was about to be depopulated. The taxable property of the state had increased one hundred and two per cent in 1857. In the two following years there was an actual decrease of about thirty per cent in valuation.<sup>125</sup> The following table shows the number and area of town plats recorded from 1853 to 1859 in eighteen counties with forty-seven per cent of the population of the state:

|      | No. of town<br>sites. | No. of lots. | No. of acres. |
|------|-----------------------|--------------|---------------|
| 1853 | 3                     | 1,567        | 657           |
| 1854 | 30                    | 8,354        | 2,719         |
| 1855 | 44                    | 20,944       | 5,196         |
| 1856 | 107                   | 39,683       | 13,966        |
| 1857 | 182                   | 90,584       | 20,855        |
| 1858 | 50                    | 18,076       | 4,689         |
| 1859 | 12                    | 4,932        | 1,462         |

The state commissioner of statistics, in his report for the year ending January 1, 1860, estimated the total area occupied by town lots at over 100,000 acres, or twenty-two per cent of the cultivated area of the state. Of the estimated 374,000 city lots, 362,000 were unoccupied and unimproved.<sup>126</sup> Judging from the decrease in the number of votes cast, and from reports of a number of towns and cities, the commissioner concluded that the urban population had decreased twenty per cent since 1857. St. Paul, the capital and largest city, is said to have lost half its population during the panic. This population was in the main transferred to agricultural pursuits,

125. Commissioner of Statistics, Minn., First annual report, for the year ending Jan. 1, 1860, p. 147.

126. *Ibid.*, pp. 148-9.

and as a consequence the cultivated area was more than doubled in 1858 and in some counties more than quadrupled, while the population of the state as a whole increased only 6,000 as compared with an increase of about 50,000 in the previous year.

Prior to 1857 agriculture had not been materially developed in Minnesota. Speculation in city lots had proved more fascinating than wheat raising. Many of those who had tried farming had not met with the best of success. The army worm paid a visit in 1855, and grasshopper raids followed in 1856 and 1857.<sup>127</sup> When the panic and hard times came, the farmer suffered with the rest.

On receiving the federal land grants, Minnesota had felt assured of railroads in the immediate future; but the panic nipped the promising railroad construction in the bud, and the people began to fear that the land grants would eventually revert to the government on account of the inability of the railroad companies to meet the time requirements specified in the grants.

When the legislature convened in December, 1857, it immediately set about to devise some plan whereby it might relieve the financial situation and help the railroads. It was hampered by the constitutional provision forbidding the gift or loan of state credit to any individual association or corporation.<sup>128</sup> Accordingly a constitutional amendment was proposed<sup>129</sup> which authorized the issue of state bonds to the extent of \$1,250,000 to each of the four land grant railroad companies. The bonds were to be issued and delivered at the rate of \$100,000 for every ten miles of road ready for superstructure and another \$100,000 for every ten miles "actually completed and cars running thereon."

The railroads were to pay the interest on the state bonds and all expenses connected with their issue. The net profits of the companies were pledged for the payment of the interest. The first two hundred and forty sections of land accruing to

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127. Department of Agriculture, Report for 1863, p. 36, letter by O. H. Kelley.

128. Const. of Minn., Art. IX, sec. 10.

129. General Laws of Minn., 1858, ch. 1.



each company were to be placed by deed trust at the disposal of the governor and secretary of state. As further security the railroads were to give first mortgage bonds on their roads, lands, and franchises, to the full value of the bonds received from the state. Each railroad company was placed under obligation to complete fifty miles of its road before the close of the year 1861, one hundred miles by the close of 1864, and four-fifths of its road by 1866.

The constitution made necessary the enactment of several general incorporation laws, for the incorporation of some kinds of corporations was not provided for in the general incorporation laws in force at the time.<sup>130</sup> Accordingly the legislature passed a number of new incorporation laws,<sup>131</sup> among them "An act to provide for the incorporation and regulation of railroad companies."<sup>132</sup>

The law is almost verbatim like that enacted in Ohio in 1852.<sup>133</sup> Its provisions in the main do not differ materially from those found in various special charters of the time, but the fact that all future railroad companies were to be subject to the same laws was in itself a decided step in advance; for the evident inconsistency and unnecessary confusion, if not actual injustice, of incorporating similar companies under different laws would be done away with.

According to the new law any number of persons not less than five might incorporate a railroad company by filing with the secretary of state a sworn certified statement specifying the name of the company, the name and residence of each of the persons forming the association, the termini of the proposed road and the county or counties through which it would pass, and lastly the amount of capital necessary to construct the road.<sup>134</sup>

The state attempted no direct control of stock issue. Though limited in the first instance to the amount of capital

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130. Statutes of Minn., 1851, chs. 36-42, incl.

131. See Statutes of Minn., 1849-1858, ch. XVII, pp. 274-337; Corporations, their formation and regulation.

132. General Laws of Minn., 1858, ch. 70.

133. Laws of Ohio, Vol. 50, p. 274; Act approved May 1, 1852.

134. General Laws of Minn., 1858, ch. 70, sec. 1.

declared necessary for the construction of the road, the amount of capital stock might later be increased by the directors if they deemed it necessary and secured the consent of a majority of the stock already issued.<sup>135</sup> The borrowing power of the railroad company was limited to an amount not exceeding its authorized capital stock. The bonds and promissory notes issued might be secured by pledging property and income, but were not to bear more than eight per cent interest.<sup>136</sup>

Railroad companies were permitted to consolidate whenever any portion of their lines was so constructed as to admit of continuous passage. One railroad company might aid other companies in bringing about such connection by subscription of capital stock or otherwise and was authorized, after connection had been made, to buy or lease these lines, or to make such "arrangements for their common benefit" as might be agreed upon.<sup>137</sup> There was no mention made of parallel and competing lines, of which so much is heard later.

Every railroad company incorporated under the new law was required to make a full annual report to the state auditor. This report was to give the amount of capital stock of the company, the gross receipts for the year, the cost of repairs and incidental expenses, the net amount of profits and the dividends made, with such other facts as might be necessary to show the condition of its affairs. The auditor was to transmit an abstract of such reports to the legislature.<sup>138</sup> No authority was given, however, to investigate the accuracy of the reports, and no penalties were provided for in case the companies neglected or refused to report.

The most interesting feature of the law from the point of view of state regulation is the fixing of maximum rates of freight and fare. No railroad incorporated under the law was permitted to demand or receive for the transportation of passengers more than three cents per mile, nor more than five cents per ton-mile for the transportation of property when transported thirty miles or more, but if transported less than

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135. *Ibid.*, sec. 7.

136. *Ibid.*, sec. 13.

137. *Ibid.*, sec. 24.

138. *Ibid.*, sec. 18.

thirty miles such reasonable rates might be charged as were fixed by the company or prescribed by law.<sup>139</sup>

The special charters had nearly all given over to the companies the right to fix their own rates, but the state legislature of 1858, in following the lead of Ohio, asserted its right to regulate rates on roads thereafter incorporated. In the general incorporation act for plank road and turnpike companies enacted in 1851, the legislature had expressly reserved its right to regulate the rates of toll.<sup>140</sup> This law was still in force and the same principle was now applied to railroads.

But though the legislature fixed maximum rates of charges, it provided no means for the enforcement of the law, and attached no penalties for its violation. The companies were evidently supposed to comply with this and other requirements of their own free will.

The legislature of 1858 had planned, by its proposed amendment to the constitution approved by the governor March 9, to expedite the construction of railroads, save the land grants, and secure a safe currency for the people.<sup>141</sup> The electors ratified the amendment by an "overwhelming majority of votes" the following April.<sup>142</sup>

But this specious financial scheme proved a dismal failure in every way. The railroad companies did not proceed according to the spirit of the amendment. They refused to give exclusive first mortgage to the state, and won out against the governor in the courts.<sup>143</sup> On the other hand the people never regarded the bonds as state obligations at all. Sixty-seven members of the legislature, who had voted for the bond issue, publicly pledged themselves never to vote for a tax to pay them. The bonds, which at first were eagerly bought at par, could not be disposed of at any reasonable price despite the best efforts of the governor and of the companies.<sup>144</sup>

139. *Ibid.*, sec. 12. (Verbatim from the Ohio Law, sec. 13.)

140. Statutes of Minn., 1851, ch. 39, sec. 55.

141. House Journal, 1859-60, p. 389 ff.; Report of a special committee on railroads, railroad grants, and Minnesota railroad bonds. General laws, 1858, chs. 32 and 33; Banking act and an amendment to the same.

142. *Ibid.*, p. 15.

143. 2 Minn., 13; application of Minn. and Pac. for a mandamus against Governor Sibley upheld.

144. House Journal, 1859-60, p. 15; Governor's Message.

For a while the work of the construction companies was carried on with rapidity, if not thoroughness, and a great number of bonds were issued according to the agreement, which was construed liberally for the railroad companies. These bonds were sold and hypothecated at a ruinous discount, mostly, it was believed, to speculators. Before long construction operations had to cease for lack of funds. The companies had no capital or credit of their own and had depended almost entirely on the proceeds from the state bonds. When the railroads realized their mistake, they offered to submit to the conditions originally imposed by the governor, namely, to issue exclusive first mortgage bonds to the state,<sup>145</sup> but their submission came too late. They were by this time entirely discredited.<sup>146</sup>

In all, \$2,275,000 in bonds were issued. All that could be shown for this large sum was two hundred and forty miles of "incomplete, fragmentary and disjointed portions of grading," which had cost on the average less than \$3,000 per mile. Only fifty miles of well-built superstructure was ready for the rail.<sup>147</sup>

When the legislature met in December, 1859, Governor Ramsey in his message admitted the folly of attempting to loan the state credit to the land grant railroad companies. He recommended their dispossession and the transfer of their interests to more responsible hands. He counselled strongly against any form of repudiation, but recommended that, since the outstanding bonds could at the time be secured on favorable terms, they ought to be bought in and withdrawn immediately and new bonds issued instead.

The legislature could hardly be expected to follow this last recommendation. Its members reflected the sentiment prevalent throughout the state. The great majority of the people absolutely disowned the "swindling bonds," as they were called, and claimed that those who held the bonds had bought

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145. Tenth Census Report, Vol. VII, pp. 632-634, gives an account of Minnesota's bonded debt.

146. House Journal, 1859-60, p. 15.

147. House Journal, 1859-60, p. 390; Report of the concurrent committees on railroads, railroad grants, and Minn. railroad bonds.

them on speculation at a large discount, fully realizing the risk they were taking.

A joint committee on railroads, railroad grants, and Minnesota railroad bonds, was appointed. This committee conducted an extensive investigation of the controverted question and made several reports. Heated discussions were carried on in both Houses, but it proved hard to come to any satisfactory conclusion.

Early in the session the governor was directed by a joint resolution to destroy the blank and unissued Minnesota state railroad bonds in the presence of a joint legislative committee.<sup>148</sup> They would at any rate make sure that no more were issued.

The railroad companies having defaulted in the payment of interest on the bonds issued by them and held by the state, it was the duty of the governor to foreclose the deeds of trust held for the state.<sup>149</sup> This the retiring governor had not done. By an act passed toward the close of the session, it was made the duty of the governor to foreclose the deeds of trust if in his opinion the public interest required it. He was furthermore authorized at his discretion to bid in for the state the property, rights, and franchises of the companies at such sale.<sup>150</sup>

A few days later two amendments to the constitution were proposed by a concurrent resolution.<sup>151</sup> According to the first no law levying a tax or making other provision for the payment of interest or principal of the Minnesota state railroad bonds was to be effective before ratified by a majority vote of the electors of the state. The second amendment forbade the further issue of bonds under what "purports to be an amendment to section ten of article nine of the constitution," and expunged this amendment from the constitution, reserving to the state, nevertheless, all rights, remedies, and forfeitures accruing under it.

This resolution secured the approval of Governor Ramsey

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148. General Laws, 1860, p. 303; Joint Resolutions, No. 4, approved Jan. 13.

149. Cf. General Laws, 1860, ch. 88, sec. 1, with General Laws of 1858, ch. 1, sec. 1, p. 11.

150. General Laws, 1860, ch. 88, approved March 6.

151. *Ibid.*, p. 297; Concurrent Resolution, No. 1, approved March 10.



and at the following November election the amendments were ratified by an almost unanimous vote of the electors. The people believed the state had been hoodwinked by designing politicians and railroad men in the first instance, and they construed proposals of settlement or adjustment as indications of further corruption. If refusing to acknowledge the validity of these state bonds was repudiation, they were quite willing to bear the odium. They rather looked upon such repudiation as a vindication of their honor.

## CHAPTER IV.

### THE EVENTUAL ADJUSTMENT OF THE STATE RAILROAD BONDS.

The people of the state would gladly have consigned the repudiated Minnesota State Railroad Bonds to oblivion, but those who held the bonds were not so ready to forget. Bonds with a par value of \$2,275,000<sup>152</sup> and their coupons attached were not to be given up without a struggle. The state not being suable, the case had to be fought out with the legislature and with the people who had voted the repudiation.

Nothing was done by the legislature before 1866, when it passed an "act for the equitable adjustment of the state railroad bonds." This act provided for the appointment by the governor of a committee of three to investigate who the holders of the railroad bonds were and what the bona fide holders had paid. They were authorized to receive bids, and all claims not presented before January 1, 1867, were to be forever barred.<sup>153</sup> This attempt at securing an equitable adjustment proved futile.

Early in 1866 it was discovered that Minnesota had a claim to 500,000 acres of internal improvement lands under an act of Congress approved September 4, 1841.<sup>154</sup> These lands were

| 152. Railroad Company.  | Bonds issued. | Amount of grading.                                       |
|-------------------------|---------------|----------------------------------------------------------|
| Minn. and Pac.,         | \$600,000     | 62 mi., 3,213 ft.                                        |
| Mpls. and Cedar Valley, | 600,000       | 69¼ mi.                                                  |
| Transit,                | 500,000       | 50 mi.                                                   |
| Southern Minn.,         | 575,000       | Minn. Valley, 37½ mi.; Root R. Branch, 20 mi., 1,004 ft. |

153. General Laws, 1866, ch. 5, p. 9.

154. 5 U. S. Stat., 453, ch. 16, sec. 8.

to have accrued to the state on her admission into the Union in 1858, but, perhaps on account of the large land grants of 1857, the older general grant was overlooked. When Governor Marshall had his attention called to this claim by Mr. Drake, later president of the St. Paul and Sioux City railroad company, he immediately had the matter investigated, with the result that the Secretary of the Interior conceded the claim to the state.<sup>155</sup>

The governor now thought that he saw a practicable solution to the state bond difficulties. The bonds had been issued to secure internal improvements; these lands were given to the state for this same purpose. He therefore believed that the lands might properly be given to settle the outstanding bonds. In this way the stigma of repudiation could be removed from the state without subjecting the people to taxation. He brings out these points strongly in his message to the legislature in 1867, and appeals to their sense of honor and their state pride. He assumes that the people generally believe something is due on the bonds and that they intend to pay whatever is justly due. He suggests two ways of disposing of the lands with this object in view. Either the proceeds of this sale may be set apart as a sinking fund to pay whatever ultimately is due to the bondholders, or the bondholders may be given the lands in exchange for their bonds.<sup>156</sup>

The legislature followed the recommendation of the governor. It passed an act providing that the proceeds to the state from the federal land grant of 1841 and the gross income percentage paid in by the railroads after the passage of this act were to be set aside as a sinking fund for the adjustment of the Minnesota State Railroad Bonds.<sup>157</sup> Certain judgments recovered in the district court of Ramsey county against the Minneapolis and Cedar Valley railroad company for construction work were recognized by the legislature and placed for payment on the same footing with its state railroad bonds.<sup>158</sup>

The people, however, were not yet ready for any such set-

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155. Exec. docs., 1866, p. 18; 1867, p. 23.

156. *Ibid.*, 1866, pp. 18-20; Governor's Message, Jan. 10, 1867.

157. General Laws, 1867, ch. 53.

158. Special Laws, 1867, ch. 152.

tlement; and when the act was submitted to the electors, according to the constitutional amendment of 1860, it was rejected by a vote of 49,763 to 1,935.<sup>159</sup>

When the next legislature met in 1868 Governor Marshall's position was unchanged, but the legislature was not prepared to take any definite action in view of the recent second repudiation by the people.<sup>160</sup> The people had no intention of paying the "swindling bonds of '58," and suspected those who worked for an adjustment of collusion with the bondholders. The committee appointed by the governor the previous year reported to the legislature the results of its investigations. According to this report the holder of the largest amount of railroad bonds was Mr. Selah Chamberlain, a railroad contractor. He claimed that his bonds had cost him above par in work and material furnished. The committee had employed an experienced engineer to examine the work done, and he reported that the grading had only cost \$2,843.42 per mile, instead of \$9,500 as alleged by Mr. Chamberlain. Some holders had admitted paying as low as seventeen and a half cents on the dollar for their bonds. The report of this committee naturally confirmed the people of the state in their belief that they were not dealing with honest creditors with just claims.<sup>161</sup>

An amendment to the constitution was proposed by the legislature, providing that no law disposing of the internal improvement lands or of the proceeds from them was to be operative until it had been ratified by a majority vote of the electors. The legislature, however, might, without such vote, provide for the appraisal and sale of the lands and the investment of the proceeds in state or national securities.<sup>162</sup> If this amendment were ratified, what would prevent the legislature from investing such proceeds in Minnesota state railroad bonds? The people refused to take any such chances and the amendment was lost.<sup>163</sup>

In 1869 Governor Marshall sent a special message to the

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159. A. J. Edgerton, *Compilation of the railroad laws of Minn.* (1872), p. 43, footnote.

160. *Red Wing Argus*, Jan. 23, 1868.

161. Folwell, *Minnesota*, p. 327.

162. *General laws*, 1868, ch. 108.

163. Edgerton, *op. cit.*, p. 44.

legislature, in which he discussed the Minnesota State Railroad Bonds at length and urged the wisdom and propriety of meeting an obligation which would have to be met sooner or later. A number of memorials from aggrieved bondholders were presented to the legislature. These demanded settlement on various pleas. One stated that he, a resident of New York, had been induced by the governor of Minnesota personally to purchase the bonds held by him.<sup>164</sup> Several New York bankers claimed to be innocent holders and demanded the protection of the state against the acts of her own officers appointed by herself.<sup>165</sup> Another memorial was presented by an executor in New York in behalf of a deceased bondholder's widow and orphans.<sup>166</sup>

The state press was in favor of Governor Marshall's recommendation. The St. Paul Press claimed that only two newspapers in the state opposed him.<sup>167</sup> The legislature proceeded to enact what became known as the Delano bill. This bill gave Mr. Delano thirteen years in which to buy up the disputed bonds at practically his own price, in return for which he was to receive the entire internal improvement land grant. He was in no way made responsible for carrying out his trust, nor for the manner in which it was done.<sup>168</sup> This measure was not at all satisfactory to the governor and he promptly vetoed it.

In 1870 the legislature passed another bill to bring about a settlement. This bill provided for the surrender of all outstanding railroad bonds with attached coupons in exchange at par value, but with no interest allowed, for internal improvement lands at prices to be determined at public auction in St. Paul the following September. The lands were to be exempt from taxation for a period of ten years, but the minimum price was fixed at \$8.70 per acre,<sup>169</sup> which was several

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164. The St. Paul Daily Press, Feb. 2, 1869, p. 2; Memorial of J. D. Souter, New York, Jan. 13, 1869.

165. Ibid., memorial addressed to the governor and dated Jan. 19, 1869.

166. Ibid., dated Jan. 25, 1869.

167. Ibid., Feb. 9, 1869. The papers referred to are the Hastings Gazette and St. Cloud Journal.

168. Ibid., March 11, 1869, p. 1, and the bill given in full, pp. 2 and 3-5.

169. General laws, 1870, ch. 13, p. 18.



times the market value of unimproved land in those regions. This act was signed by the governor, and was approved by the people at a special election held the following May; but the bondholders did not wish for settlement on these terms, and the required number of bonds were not deposited for the act to become operative.

In his message to the legislature in 1871, Governor Marshall again urged the use of the internal improvement lands "to save the honor of the state and save the people from taxation."<sup>170</sup> Other plans, however, were more interesting to the legislature at this time. Railroad companies had long looked with longing eyes on this desirable land grant, and the people in frontier settlements were clamoring for its distribution in aid of new railroad projects. The Sauk Rapids Sentinel expressed the sentiments of many when it said: "We sincerely hope our legislature will this winter finally dispose of these lands and thereby get rid of a matter which has become almost as annoying and vexatious as the bonded debt itself. Divide up the land, gentlemen, as quickly as possible, but don't forget to give us a share up this way."<sup>171</sup>

A number of such division schemes were proposed and met with no particular objection in the press. After much log-rolling and lobbying, a bill was finally passed which divided all the lands among several railroad companies. The bill in its final form was rushed through without a hitch and received the support of men of both political parties. The fate of the internal improvement lands seemed settled, when the unexpected happened, the governor vetoed the bill. He gave as his reasons that the bill did not have the free and voluntary consent of the majority of both Houses of the legislature, and that they were not authorized to dispose of the lands in this manner.

The veto came as a surprise to the members of the legislature as well as to the people. It met with various receptions in different parts of the state. Rochester, though in the anti-monopoly storm center, felt keenly disappointed. The Federal Union, a Rochester paper, said: "This is sad news, and it will

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170. Minn. Exec. Docs., 1870, p. 7.

171. Sauk Rapids Sentinel, Jan. 27, 1871.



tend to retard greatly the prosperity of this portion of the state. This is confirmed by the St. Paul papers."<sup>172</sup> The Rochester Post commented: "St. Peter glorified and jollified over Governor Austin's veto of the land division bill with bonfires, cannon firing, and band playing. Rochester did none of these things. St. Peter was not a point in the land divide. Rochester was a point in the land divide. This makes a great difference between St. Peter and Rochester."<sup>173</sup> In an editorial of the same issue, however, was stated: "While we in this vicinity, as residents of a locality which the bill proposed to benefit, may regret the loss of the new roads which were promised through its operation, we cannot but respect the governor for his action."

On the whole, Governor Austin received the hearty support of the press, and he gained the respect of the people for his high motives and fearless action.<sup>174</sup> Politicians and those personally interested in the "land grab" swore vengeance and tried to bring about his political destruction. These virulent attacks were promptly met in the courts and the governor was vindicated. The Republican state central committee issued a circular in defence of the governor, and characterized the work of his enemies as an iniquitous conspiracy against the people of Minnesota.<sup>175</sup> The people had faith in Governor Austin, and there was from this time, as Professor Folwell says, no question of his re-election, should he desire it.<sup>176</sup>

The internal improvement lands continued to weigh heavily on the hands of the state, and the governor, fearing with good reason that they might be misapplied, recommended to the legislature of 1872 that they be sold in the same manner that school lands were, and that the proceeds be held as an internal improvement fund subject only to the vote of the people.<sup>177</sup> The legislature accordingly proposed this as an amendment to the state constitution, providing further that the proceeds

172. Federal Union, March 11, 1871.

173. Rochester Post, March 11, 1871.

174. Ibid., March 11, 1871 (editorial); St. Paul Dispatch, March 14, 1871; New York Times editorial quoted in St. Paul Dispatch, March 14, 1871.

175. Published in Minneapolis Tribune, Nov. 3, 1871, and elsewhere.

176. Folwell, Minnesota, p. 269.

177. Exec. Docs., 1871, Governor's Message, Jan., 1872.

from these land sales were to be invested in United States bonds or in Minnesota State bonds issued since 1860.<sup>178</sup> This constitutional amendment, which was ratified at the next general election,<sup>179</sup> made any adjustment of the railroad bonds in the near future highly improbable. The people would not submit to taxation to pay the repudiated bonds, nor were they very likely to vote for the application of the internal improvement fund to this purpose.

The bondholders were unable to pursue any remedies at law against the state on her bonds, and when it became apparent that no legislative relief was forthcoming, Mr. Chamberlain, who held state railroad bonds amounting to over half a million dollars, which he had received for construction work from the Southern Minnesota, brought suit against its successors, the St. Paul and Sioux City and the Southern Minnesota railroad companies, seeking to charge with the payment of the bonds the two hundred and forty sections mortgaged by the original company under the amendment of 1858 and purchased by the state under the foreclosure of this mortgage and now held by the defendant railroad companies. He contended that the position of the state in relation to the bonds was simply that of a surety, the principal debtor being the original Southern Minnesota railroad company, whose president had endorsed and transferred to him the bonds, and that therefore the conveyance by that company of its land grant to the state to indemnify the state created a trust in favor of the holder of the bonds. His claims were not sustained in the federal circuit court, and the supreme court likewise in its October session in 1875 held that the bondholders had no equity for the application of the land to payment of their bonds.<sup>180</sup> As to the validity of the bonds themselves, Justice Field in his statement of the case said: "The bonds issued are legal obligations. The state is bound by every consideration of honor and good faith to pay them. Were she amenable to the tribunals of the country as private individuals are, no court of justice

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178. General laws, 1872, ch. 14.

179. Exec. Docs., 1872, Governor's Message, Jan., 1873.

180. 92 Otto, 299, Chamberlain v. St. Paul and Sioux City Railroad Company et al.

would withhold its judgment against her in an action for their enforcement.”<sup>181</sup>

The supreme court had earlier in the same session reviewed the claims of Mr. Farnsworth and others against the St. Paul and Pacific for the payment of bonds issued by its defaulted predecessor, the Minnesota and Pacific.<sup>182</sup> It was held that the original company had forfeited its franchises and all interest in the land grant, and that its successor had secured title free from any lien. The right of the state to foreclose the trust-deeds was sustained, but *obiter dicta* it was said that the adoption of the constitutional amendment of November, 1860, certainly had the effect to impair the value of the bonds of the state, and that the holders of the bonds were injuriously affected by the amendment.<sup>183</sup> Such statements, coming from the highest judicial tribunal of the nation, were far from gratifying to those who took a pride in the good name of the state of Minnesota.

Governor Davis, in his parting message to the legislature in January, 1876, discussed at length the history of the bonds and the moral obligations of the state, and strongly recommended the appointment of an impartial commission to adjust the claims.<sup>184</sup> Governor Pillsbury, in his inaugural address to the same legislature, likewise devoted much time to the same question.<sup>185</sup> He believed that the bond issue was premature and unwise, but since the state had in 1860 obtained by foreclosure the security for the bonds, he thought it evinced a childish, ignoble disposition to repudiate the results of an act of folly deliberately committed by themselves. The earnest pleas for the vindication of the honor of the state were of little avail, except to keep up the agitation in the legislature and throughout the state.

The next year Governor Pillsbury again took up the question for discussion in his message and affirmed the validity of

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181. *Ibid.*, p. 304.

182. 92 Otto, 49, Farnsworth et al., trustees, v. Minnesota and Pacific Railroad Company et al.

183. *Ibid.*, p. 71.

184. Exec., Docs., 1875, vol. I, p. 35 ff.; Gov. Davis' message, Jan., 1876.

185. *Ibid.*, Inaugural address of Gov. Pillsbury, Jan., 1876.

the "dishonored bonds" in no uncertain language.<sup>186</sup> This year the legislature passed an act constituting the governor, the secretary of state, and the attorney general, commissioners of the public debt of Minnesota. These commissioners were authorized to prepare Minnesota six per cent thirty-year bonds, redeemable after twenty years, and to issue these at the rate of \$1,750 for each outstanding state railroad bond with coupons attached. The judgments against the Minneapolis and Cedar Valley railroad company for construction work, which the legislature in 1867 had recognized,<sup>187</sup> were to be liquidated as though state railroad bonds had been issued.<sup>188</sup> This act was passed in pursuance to an understanding with Mr. Chamberlain and other bondholders, and was considered equitable by them.<sup>189</sup> An amendment to the state constitution was proposed, which was to authorize the legislature at its discretion to apply the internal improvement lands and the proceeds from them to the redemption of the principal of the bonds that might be issued in settlement of the Minnesota state railroad bonds.<sup>190</sup> When these measures came before the electors of the state they were rejected by a large majority. The time for adjustment had not yet come.

The governor in his next message deplored the rejection of what he believed to be liberal terms which the bondholders had offered, and again made his recommendations under the heading, "Dishonored Bonds." The legislature at this session (1878) proposed to exchange the internal improvement lands for the "outstanding documents known as the Minnesota state railroad bonds, the validity of which the people of Minnesota do not recognize, but which it is desirable to be recovered and destroyed."<sup>191</sup> All bondholders depositing their bonds before the first Monday in July, 1879, were to have, as far as possible, an equal chance. The choice of land was to be given in the order of the deposit of the bonds after that date.<sup>192</sup>

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186. Exec. docs., 1876, Governor's message, Jan., 1877.

187. Special laws, 1867, ch. 152.

188. General laws 1877, ch. 92, sec. 6.

189. Ibid., introduction to enactment.

190. General laws, 1877, ch. 5; proposed amend. to Art. IV, sec. 32, B.

191. General laws, 1878, ch. 85; introduction to enactment.

192. Ibid., ch. '85.



This measure fared no better at the polls than did those of the year before.

Governor Pillsbury continued his pleas for the vindication of the honor of the state and for the redemption of the "dishonored bonds" in his messages to the legislatures in 1879 and 1881, the sessions at this time having been made biennial. The bondholders were getting impatient, and Mr. Chamberlain and others again proposed a compromise. It was realized that no settlement could be made which the people would accept. In 1881 the legislature authorized and required the judges of the state supreme court to determine the constitutionality of issuing bonds to settle the vexatious claims without submitting the question to the vote of the people as required by the amendment of 1860. In case any of the judges of the supreme court did not qualify to serve, the governor was authorized to appoint district judges to fill such vacancies. If this tribunal decided that submission to the people was not necessary, new bonds were to be issued immediately to pay fifty per cent of the principal and interest of all outstanding claims, connected with the defaulting land grant companies in which the state had an interest; otherwise the act was to be submitted to the electors. The governor, auditor, and attorney general, were designated a board of commissioners to carry out the provisions of the act.<sup>193</sup> Another act was passed, providing that the proceeds from the internal improvement lands were to be applied to the payment of interest on the proposed Minnesota state adjustment bonds and to form a sinking fund for their payment at maturity. According to the constitutional amendment of 1873, this act was to be submitted to the vote of the electors.<sup>194</sup>

The judges of the supreme court refused to serve, and the governor accordingly appointed five district judges to constitute the tribunal. A writ of prohibition was served upon them, and when the case came before the supreme court the attorney general argued that the legislature did not have the authority to set up this tribunal, and that the act was repug-

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193. General laws, 1874, ch. 104.

194. 92 Otto, 49 and 299.



nant to the amendment of 1860. The supreme court decided<sup>195</sup> that the amendment of 1860 was repugnant to the constitution of the United States, because it "impaired the obligation of contracts,"<sup>194</sup> and further, that the act of the legislature delegating legislative power to state judges was also void. The federal supreme court had already expressed itself, *obiter dicta*, to the same effect<sup>194</sup> and the case was not appealed.

The "dishonored bonds" could now be redeemed without the support of a popular vote. Governor Pillsbury immediately called an extra legislative session in October, 1881. An act was passed providing for the issue of Minnesota state adjustment bonds which were to replace the former bonds and claims at fifty cents on the dollar, as had been agreed to by the claimants.<sup>196</sup> An internal improvement land fund bill was passed, which was virtually that of the previous regular session re-enacted.<sup>197</sup> The title was changed from "An act for the adjustment of Minnesota state railroad bonds" to "An act providing for the adjustment of certain alleged claims against the state." This change was perhaps intended to make it more palatable to the people when they came to vote on its adoption. The act was submitted to the electors and was ratified. The issue of adjustment bonds having been voted by the legislature, they chose to meet the obligations of these new bonds with the proceeds of the internal improvement lands rather than submit to taxation.

The adjustment bonds were to be prepared by the governor and auditor and dated January 1, 1881. They were thirty-year bonds bearing five per cent interest after January 1, 1884, and were payable at the option of the state after ten years. The state, however, reserved the right to pay cash on selling the bonds if it could secure money at less than five per cent interest.<sup>198</sup>

A writ of injunction was served upon the governor, restraining him from signing or issuing the adjustment bonds. He disregarded the writ, however, and the bonds were duly

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195. 29 Minn., 474; *State vs. Young*, decided September 9, 1881.

196. General laws, 1881, special session, ch. 1.

197. *Ibid.*, ch. 71.

198. General laws, 1881, special session, ch. 1, sec. 2.

signed, countersigned, and delivered. When the state treasurer, Mr. Kittelson, was about to pay interest on the new bonds, an action was brought in the Hennepin County district court to restrain him from doing so, on the ground that the constitutional amendment of 1858 authorizing the issue of the original state railroad bonds was void, that the act of 1881 authorizing the issue of the new bonds was void, and, further, that the new bonds had been signed and issued in violation of a writ of injunction. The district court denied the petition and was sustained by the supreme court, which decided against the plaintiff on all points.<sup>199</sup>

No further legal difficulty was encountered. The credit of the state was good, and by November 30, 1882, new bonds at four and a half per cent could be issued to retire the adjustment bonds.<sup>200</sup> After a long struggle and much difficulty, adjustment was thus finally substituted for repudiation, much to the satisfaction of Governor Pillsbury.

## CHAPTER V.

### THE LAND GRANT RAILROADS, 1861-1864.

The legislature which met in January, 1861, was nominally free to carry out any policy that might be deemed conducive to early railroad construction and favorable to the interests of the state. The land grant companies, of which the state through foreclosure and purchase now had possession, represented the more important projected railroads; and in connection with them were the immense federal land grants which would accrue as fast as the railroads were built. Railroad construction so heavily subsidized ought to be assured of success if properly managed, now that the state and nation were recovering from the effects of the panic. But there was no inclination or ability on the part of the state to build the roads herself. The corporate interests were merely held temporarily

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199. 29 Minn., 555; *Secombe vs. Kittelson*. (Full account of facts given.)

200. Eleventh Census, Report on Wealth, Debt, and Taxation. Part I, p. 106; Account of new issue: \$4,253,000. See also Tenth Census Report, Vol. VII, p. 634.

and without merger or extinguishment.<sup>201</sup> If construction were delayed, the federal land grants would be lost, for they were contingent on the fulfillment of definite time requirements.

Some immediate action was deemed necessary and the simplest course was taken. The Minnesota and Pacific railroad company was regranted freely its former road, lands, properties, privileges and immunities, free from all liens and claims held by the state.<sup>202</sup> The property and franchises of the other three companies were likewise "continued, granted and transferred" to different groups of persons named in the enactments.<sup>203</sup>

According to these enactments the Minneapolis and Cedar Valley and the Southern Minnesota companies were to be temporarily favored with a more lenient rate of taxation. During the first three years they were to pay one per cent of their gross earnings, the next seven years two per cent, and after ten years the full three per cent as required in the original enactments of 1857. These companies were, however, required to keep an accurate account of their gross earnings, and to transmit abstracts of these accounts certified under oath to the state treasurer annually; and the governor, or any other person appointed by law, was given plenary powers to ascertain the truth of the affidavits and the correctness of the abstracts. In collecting her percentum the state was given a prior claim over all other creditors.

The Minnesota and Pacific had these restrictive provisions in its original charter granted in 1857,<sup>204</sup> and did not get the benefit of the lower tax rate. The Transit also continued liable to the full three per cent gross income tax, but was now the only land grant company not subject to the stricter regulations as to reports and investigation.

No mention was made of the state railroad bonds, for they had been virtually repudiated the year before. No attempt was made to bring the charter rights of these companies into

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201. So held later in *Ry. Co. vs. Pascher*, 14 Minn., 297.

202. Special laws, 1861, ch. 5.

203. *Ibid.*, chs. 2, 3, and 4.

204. Session laws, 1857, extra session, ch. 1, sec. 18.

harmony with the provisions of the general incorporation law enacted in 1858. The main interest quite apparently centered on getting railroad construction resumed and the roads completed. The most important condition which the legislature in each case imposed was that a certain number of miles of railroad must be built within stated periods of time, to entitle the companies to the regrant of property and franchises. Each company was required to deposit \$10,000 with the governor as a guarantee of good faith, to be forfeited if their obligations were not fulfilled.

Governor Ramsey had pointed out in his message to the legislature the importance to the agricultural interests of a railroad communication between the navigable waters of the Mississippi and the head of Lake Superior, especially if in the "precipitate madness of sectional excitement" the free navigation of the Mississippi should be obstructed. The federal land grant of 1857 had not provided aid for such a railroad. The governor, therefore, recommended that this work be aided as far as possible by favorable legislation without "pecuniary involvement" on the part of the state, and suggested the donation of swamp lands along the line of such road, if it would not become a precedent which would divert the remainder of these lands from "other and more legitimate purposes."<sup>205</sup>

The legislature accordingly amended and continued the Nebraska and Lake Superior charter of 1857 by giving a new set of incorporators under a new name, the Lake Superior and Mississippi railroad company, a new special charter which gave this company the state swamp lands for seven miles on either side of the proposed road.<sup>206</sup> The original had been accepted by the incorporators, but, as the corporation had not been dissolved by judicial decree for non-user of its charter rights and non-compliance with the conditions on which these were granted, the charter was technically operative<sup>207</sup> and as such subject to legislative amendment. It was evidently deemed expedient to depart from the spirit if not the letter of the clause

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205. Exec. docs., 1860, p. 12. Governor's Message, Jan. 9, 1861.

206. Special laws, 1861, ch. 1; the amended act was ch. 93 of 1857 extra session laws.

207. Records in office of the secretary of state.



of the constitution forbidding the incorporation of other than municipal incorporations by special act.<sup>208</sup> The legislature could have brought the Lake Superior and Mississippi railroad company, as well as the land grant companies, under the general railroad laws, had they so desired; but to satisfy the railroad interests, and thereby to promote and facilitate an early completion of these very important roads, the old regime of special railroad legislation was continued.

The regrant of property and franchises of the land grant companies made in 1861 brought no results. The people had looked forward to rapid railroad construction to meet the demand for improved transportation facilities which increased with the rapidly growing population, but with the approach of the Civil War construction plans had to be postponed. The Minnesota and Pacific had to be postponed. The Minnesota and Pacific was the only land grant company that complied with the enactments of 1861 by paying the costs of the foreclosure and depositing \$10,000 as a guarantee of good faith. But the security and all charter rights and privileges were forfeited because the company failed to construct a railroad from St. Paul to St. Anthony, a distance of ten miles, by January 1, 1862, as required.<sup>209</sup> The state remained in possession of the land grant "railroads." There was as yet not one mile of completed railroad in the state.

Governor Ramsey recommended to the next legislature the passage of a general law authorizing any company, on making a proper guarantee deposit, to exercise the forfeited rights of the defaulted companies. Since there was no ability on the part of the state to construct these roads, and in view of the fact that the grants would otherwise soon be lost, he believed that no obstacle should be placed in the way of those whose far-seeing enterprise might induce them to undertake even a small part of these improvements immediately.<sup>210</sup>

The legislature, however, made another regrant of the charter rights of the land grant companies to different companies as had been done the year before. An act was passed creating

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208. See 93 Wisc., 604, and cases there cited.

209. Art. 10, sec. 2.

210. Exec. docs., 1861, p. 21; Governor's Message, Jan., 1862.



the St. Paul and Pacific railroad company. To this company was granted, free and clear of all claims, all the franchises and interests of the Minnesota and Pacific which had been acquired by the state, and also all rights, lands and property, granted to the company by the act of May 22, 1857. These grants were made on the condition that certain parts of the projected road were completed within specified times. The company was required to deposit with the governor \$10,000 to be forfeited to the state if it failed to complete the portion of its road between St. Anthony and Anoka by January 1, 1864. The deposit might be made in money or bonds of the United States, or of the state of Minnesota or any state of the Union in good credit.<sup>211</sup>

The charter and land grant rights of the Minneapolis and Cedar Valley were vested in a new group of men and their successors, who were to retain the old corporate name. This company was to deposit \$10,000 as evidence of good faith, if any other nine men were willing to deposit that amount as a guarantee that they would build the railroad and comply with the enactment.<sup>212</sup> There is no mention of deposits in the regrants of the property and franchises of the other two land grant companies, the Root River Valley and Southern Minnesota and the Transit. The name of the latter company was changed to Winona and St. Peter.<sup>213</sup> The Root River Valley and Southern Minnesota enactment is interesting, for in this the grantees are expressly created a body corporate under the name and style of the former company.<sup>214</sup> In the other enactments, and in three of the regrants of 1861, new companies were evidently created, for charter rights were given to the grantees, their associates and successors.<sup>215</sup>

The St. Paul and Pacific accepted the legislative grant, and immediately prepared to take up its work. As a deposit it offered \$10,000 in Minnesota state railroad bonds, but the governor refused to accept these bonds as good security.<sup>216</sup> In

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211. Special laws, 1862, ch. 20.

212. Ibid., ch. 17.

213. Ibid., ch. 19.

214. Ibid., ch. 18, sec. 1.

215. Ibid., 1861, chs. 2, 3, and 4.

216. Exec. docs., 1862, p. 22.

the summer of 1862 ten miles of railroad were built to connect St. Paul and St. Anthony. The Winona and St. Peter was organized, and, beginning their construction work at Winona, the company worked westward. According to Governor Ramsey, it had ten miles completed, with cars running, when he sent in his message to the legislature in January, 1863.<sup>217</sup>

The other two companies did not even organize, and the next legislature, without any further action, gave the same rights and privileges to new companies in the hope that the work would be taken up. The St. Paul and Pacific was authorized to build two branch lines, one from some point on its line near St. Cloud to Duluth,<sup>218</sup> and another from St. Paul to Winona.<sup>219</sup> In the connection with the former were congressional land grants;<sup>220</sup> the latter was to be subsidized by a grant of all state swamp lands within the limits of seven miles on either side of the branch.

The Minneapolis and Cedar Valley organized and began its work. By the close of the year it had connected Mendota and Northfield by rail. The Winona and St. Peter extended its line as far as St. Charles, making a total of twenty-nine miles. The St. Paul and Pacific fulfilled its obligations by completing its line between St. Anthony and Anoka.<sup>221</sup>

The people were encouraged by the sight of railroad construction, but neither they nor the companies were satisfied with the slow rate of progress toward the realization of their great hopes for the future. They were anxious to get railroads to Lake Superior, that Duluth might rival and eventually eclipse Chicago. With St. Paul in railroad communication with the British northwest, St. Anthony with Iowa, Winona connected with railroads in the Minnesota Valley, and the Minnesota railroads a link in the chain of Pacific and Atlantic railroad communications, many felt convinced that Minnesota would soon become the great railroad and commercial center of the United States. Governor Swift believed that the aid of Congress and encouragement by the state legislature would

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217. *Ibid.*, p. 22.

218. Special laws, 1863, ch. 3.

219. *Ibid.*, ch. 4.

220. 12 U. S. Stat., 624; Joint Resolution approved July 12, 1862.

221. Exec. docs., 1863; Governor's Message, Jan., 1864.

be necessary, if Minnesota were to complete the work assigned to her in this continental program, and he warned the legislature against ill-advised economy.<sup>222</sup>

The Root River Valley and Southern Minnesota did not begin work on its lines and in 1864 its forfeited property, franchises, and land grant rights, were given to two new, independent companies, namely, the Minnesota Valley railroad company, which was to build its main line from St. Paul, St. Anthony, and Minneapolis along the Minnesota river to South Bend, and from there on in a southwesterly direction to the state line; and the Southern Minnesota, which was to build a railroad from La Crescent to Rochester, and a "branch" extending across the state through its southern tier of counties.<sup>223</sup> These companies immediately organized and began their work.

The name of the Minneapolis and Cedar Valley was changed to Minnesota Central and its "charter" of 1862 was amended by materially changing one section and adding nine new sections.<sup>224</sup> This left but little intact of the original charter of 1856, of which the later acts were amendatory.

To secure the more speedy construction of the St. Paul and Pacific, this company was permitted to form division companies to undertake the construction and management of definite parts of its rather indefinite projected lines. This was intended to attract foreign capitalists, who, while they might readily be induced to finance railroads within the borders of a rapidly growing state, were somewhat reluctant about furnishing capital to a company planning to build a railroad from St. Paul across the great Western wilderness to the Pacific.

The first division of the St. Paul and Pacific railroad company was accordingly organized without delay. The St. Paul and Pacific by contract gave this division company its rights and interests pertaining to the part of its line extending from St. Paul to Watab, and also of the line from St. Anthony to a point between the Big Stone lake and the mouth of the Sioux

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222. *Ibid.*, 1863, p. 5; Inaugural Address.

223. *Special Laws*, 1864, Ch. I, chs. 1 and 2.

224. *Special Laws*, 1862, ch. 17, which had been "amended to read as" secs. 1-14 of *Special Laws*, 1863, ch. 2.

Wood river.<sup>225</sup> Foreign capital, especially from Holland, flowed freely, and, as later investigations showed, was spent freely. Much more money was expended than honest construction, mostly on level prairie, could demand;<sup>226</sup> but railroads were being built, and that was the main consideration at that time.

The organization of the holders of special and preferred stock, under the name of the First Division of the St. Paul and Pacific, was formally recognized by the legislature in 1866;<sup>227</sup> and a further subdivision was authorized, giving to the holders of stock issued on the line from St. Anthony westward an independent corporate existence under the name of the Great Western Railway of Minnesota.<sup>228</sup> By this system of division and subdivision, an indefinite number of corporations could have come into existence, all enjoying special charter privileges and independent of the general railroad laws. For the purpose of financing construction, the tendency toward decentralization was marked. The construction of parts of the main line and of the branches was generally contracted for separately. When each division thus built was pledged as security separate from the rest, it formed a tangible asset, and those who held bonds secured by one division were not materially affected by the issue of bonds secured by other divisions. On the other hand, the solvency of the company as a whole would not be imperiled through failure to meet obligations on one of its parts. In 1864 both the Southern Minnesota and the Minnesota Valley were authorized to issue special stock on any part of their railroad or branches, and to pledge the net receipts of the different divisions toward the payment of dividends on such special stock.<sup>229</sup> In the case of the St. Paul and Pacific, this idea of division was carried to the extreme, in that this company under legislative sanction could virtually give to the stockholders of each of its divisions a separate corporate ex-

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225. See Special Laws, 1866, ch. 1, sec. 1.

226. Exec. Docs., 1873, p. 7; Governor Austin's Message.

227. Special Laws, 1866, ch. 1.

228. Special Laws, 1866, ch. 2.

229. Special Laws, 1864, Ch. I, chs. 1 and 2; General Laws, 1864, ch. 55 provides for the registry of such organizations and agreements.



istence. This decentralizing tendency, however, was only temporary, its purpose being merely to facilitate railroad construction. When the railroads were built and put into service, the tendency toward consolidation immediately began.

## CHAPTER VI.

### AID TO RAILROADS, 1864-1870.

The national government did not disappoint the state in her hopes for further aid in railroad construction. On May 5, 1864, Minnesota was given five alternate sections on each side of the proposed line from St. Paul to Lake Superior.<sup>230</sup> A week later four additional alternate sections per mile were given to aid the already subsidized line projected from St. Paul, St. Anthony and Minneapolis, southwestward to the state line.<sup>231</sup> These grants were accepted by the state legislature in 1865, and were given to the Lake Superior and Mississippi<sup>232</sup> and the Minnesota Valley<sup>233</sup> railroad companies respectively. A discussion arose in the state senate as to whether the Lake Superior and Mississippi could be given the grant. In answer to one of a series of resolutions submitted to him, the attorney general gave as his opinion that since the amendatory act of 1861, on which the existing company based its corporate rights, had in fact created new and distinct corporate franchises in aid of a different enterprise, to the destruction of the original franchise, this act was repugnant to the clause of the constitution prohibiting the formation of corporations by special acts.<sup>234</sup> His opinion, however, was disregarded by the legislature, and the act was passed granting the land and recognizing as valid the amendments of 1861 and 1863.<sup>235</sup>

In March, 1865, Congress extended the time for the completion of the railroads of the land grant companies, and increased the land grants of 1857 to ten sections per mile for

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230. 13 U. S. Stat., 64.

231. 13 U. S. Stat. 74.

232. Special Laws, 1865, ch. 2.

233. General Laws, 1865, ch. 15.

234. Opinions of the Attorney General (Minn.), 1858-1885; his opinion was given Jan. 31, 1865; the act was approved Feb. 23, 1865.

235. Special Laws, 1861, ch. 1; 1863, ch. 5.



each of the railroad lines and branches.<sup>236</sup> In the following session Minnesota was given five alternate sections per mile on each side of the proposed line from Houston to the western state boundary in aid of this road,<sup>237</sup> and another similar grant to aid the construction of a railroad from Hastings to the western boundary.<sup>238</sup> The former grant was given to the Southern Minnesota.<sup>239</sup> The latter was given to the Hastings, Minnesota and Red River of the North railroad company.<sup>240</sup> This corporation had been created the previous year by an act amendatory to the charter of a company of the same name granted by the territorial legislature in 1857.<sup>241</sup> In all, about twelve million acres,<sup>242</sup> or very nearly one-fourth of the total land area of Minnesota, was given by the federal government to aid the construction of her railroads.

| Railroad Co.                                                 | Date of Grant. | Amount.         |
|--------------------------------------------------------------|----------------|-----------------|
| 1st Div., St. Paul and Pac., Mch. 3, 1857, and Mch. 3, 1865. |                | 1,248,450 acres |
| Minn. Western, Mch. 3, 1857, and Mch. 3, 1865.               |                | 815,000 "       |
| Minn. Central, Mch. 3, 1857, and Mch. 3, 1865.               |                | 180,000 "       |
| Winona and St. Peter, Mch. 3, 1857, and Mch. 3, 1865.        |                | 1,670,000 "     |
| St. Paul and Sioux City, Mch. 3, 1857, and May 12, 1865.     |                | 1,205,000 "     |
| Lake Superior and Miss., May 5, 1863.                        |                | 862,000 "       |
| Southern Minn., July 5, 1866.                                |                | 500,000 "       |
| Hastings and Dakota, July 5, 1866.                           |                | 350,000 "       |
| St. Vincent (St. P. and Pac.), Mch. 3, 1871.                 |                | 1,500,000 "     |
| Northern Pacific (in Minn.), July 2, 1864.                   |                | 3,392,000 "     |

Besides these congressional land grants, there were also land grants made from the state swamp lands held under acts of Congress passed in 1851 and 1860.<sup>243</sup> As we have already seen, the Lake Superior and Mississippi in 1861 received a grant of the swamp lands within seven miles of each side of its railroad.<sup>244</sup> In 1863 the St. Paul and Pacific received from the state a grant of all the swamp lands lying within the limits of seven miles on each side of a proposed branch road from St. Paul to Winona in aid of this branch.<sup>245</sup> In 1865 certain swamp

236. 13 U. S. Stat., 526, act approved March 3, 1865.

237. 14. U. S. Stat., 87, act approved July 4, 1866.

238. 14 U. S. Stat., 87, act approved July 4, 1866.

239. Special Laws, 1867, ch. 6. "

240. Ibid., ch. 12.

241. Session Laws, 1857, ch. 39.

242. Donaldson, *The Public Domain, Its History and Statistics*.

243. Acts approved Sept. 28, 1851, and March 12, 1860.

244. Special Laws, 1861, ch. 1.

245. Special Laws, 1863, ch. 4.

lands were set apart and granted to the Southern Minnesota and the Minneapolis and St. Cloud railroad companies, to accrue at the rate of four sections of land for each mile of certain parts of their railroads completed within specified time limits.<sup>246</sup> In 1864 a new group of incorporators had been given the charter of the old Minneapolis and St. Cloud railroad company incorporated in 1856.<sup>247</sup> Fortunately the new corporation did not organize within six months as required, for the old company had organized and kept up its corporate existence and was not willing to see its valuable franchises turned over to others.<sup>248</sup> The legislature, therefore, repealed the sections of the act of the previous year which conflicted with the rights of the old corporation.

The national and state governments were not the only sources of beneficent aid; the local governments were, according to ability, even more liberal. In 1864 St. Paul was authorized to provide for the purchase of depot grounds and right of way for the use of the Minnesota Central,<sup>249</sup> and the action of its city council in voting the issue of bonds to the amount of \$250,000 was legalized and confirmed by the state legislature.<sup>250</sup> According to the general statutes of 1866 it was unlawful for the corporate officials of any county, township, city, town or village, unless specially and expressly authorized by law, to incur any liability for the payment of either the principal or interest for which it would be necessary to levy more than a fixed maximum rate during the current year or any subsequent year. The officials were made personally liable for all contracts made in contravention of these provisions.<sup>251</sup> This practically meant that municipal aid to railroads could only be given by special legislative consent; but, judging from the increasing number of enactments from 1866 and on, which authorized such aid by counties, towns, cities and villages throughout the state, such consent must have been readily obtained.

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246. *Ibid.*, 1865, chs. 1 and 3.

247. *Ibid.*, 1864, ch. 5, amending Session Laws, 1856, ch. 160.

248. *Ibid.*, 1865, ch. 4, sec. 1, summarizes the facts of the case.

249. Special Laws, 1864, ch. 37.

250. *Ibid.*, ch. 49.

251. General statutes, 1866, ch. 11, secs. 78-80.

When a municipal bond issue was authorized, the legislature, as a rule, limited the amount which might be issued and fixed a maximum rate of interest and also a certain time within which the bonds were to be made payable. In each case the question of bond issue was to be referred to the voters of the territorial unit concerned, and the bonds were not to be delivered until the railroad company had fulfilled its part of the agreement. Taxation to meet the obligations of the bonds was generally expressly authorized, and the levy and collection of taxes for this purpose were made the duty of the local officials.

Beginning in 1869, the legislature frequently fixed the maximum total indebtedness which might be incurred for the purpose of aiding railroads as a fixed per cent of the assessed valuation of the taxable property, generally ten per cent. In November, 1872, this per cent was fixed as the maximum for all counties, towns, cities and villages within the state, by the adoption of an amendment to the state constitution.<sup>252</sup> An act of 1871 provided for the registration of all municipal bonds at the office of the state auditor. The auditor was required to ascertain annually the amount of interest due and accrued on such bonds in each county, and to transmit statements of the amount due to each county auditor. The county auditor in turn was required to levy sufficient taxes in each of the local units to pay the interest on its bonds. These taxes were to be collected along with the state taxes and according to the same laws.<sup>253</sup>

The different localities had been willing, and many others were still willing, to vote almost any bonus demanded by the railroad companies; but experience had already shown that when the burden began to be felt, and when the railroads failed to fulfill all their expectations, they were not all willing to meet their obligations. A centralized administration of these taxes became necessary to insure their levy and prompt collection and disbursement.

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252. General Laws, 1872, ch. 13, ratified at the November election.

253. General Laws, 1871, ch. 17.

## CHAPTER VII.

## ATTEMPTS AT RAILROAD CONTROL, 1861-1870.

Special railroad legislation occupied the attention of the state legislature a great deal of the time during the sixties. It is evident that the idea of legislating railroads into existence had not yet been abandoned. Land grants were invariably given to companies not under the general railroad law, and as long as the legislature had federal and state lands at its disposal; and later, when the time limits set for the completion of the railroads were about to expire, it tried in each instance to drive the best bargain possible through special legislation. At first the main consideration was the early completion of the roads, but soon various kinds of control and regulation became common stipulations. The railroad companies looked upon their charters as contracts which the state could not materially alter without their consent. They would accept or disregard the legislative enactments at their pleasure. If a company could not get what it wanted from one legislature, it would wait and try to get it from the next. In the meantime the demand for its railroad would be constantly increasing, and a popular clamor would support its demands.

In the year 1862 the St. Paul and Pacific built ten miles of railroad and trains began to run between St. Paul and St. Anthony. By the end of 1865, notwithstanding the Civil War, which had just been concluded, and the Sioux Indian massacres of 1862, which had cast gloom and discouragement over the state, there were two hundred and ten miles of railroad in Minnesota, of which over half had been built in that one year. In the four following years one hundred and five, one hundred and fourteen, one hundred and thirty-one, and two hundred and ten miles, respectively, were built. The year 1870 added three hundred and twenty-two and a half miles, making a total mileage of one thousand ninety-two and a half, with gross receipts amounting to nearly three million dollars in that year.<sup>254</sup>

In spite of the impatient struggle for railroads in evidence in all parts of the state before railroads were built, we find

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254. Report of Railroad Commissioner, 1871, p. 42, and table inserted opposite p. 40.



that no sooner had they been built than an equally impatient struggle with the railroads began. The railroads were charged with discrimination and extortion, and the power of the state control became a subject for heated discussion. Throughout the confusing mass of special legislation intended mainly to facilitate railroad construction, we find, strangely enough, a marked tendency toward state control.

The old territorial charters had, as a rule, authorized the railroad companies to fix their own rates; and, as we have seen, a number of these charters were from time to time revived and continued. As long as the different railroads remained independent, it was often difficult to get them to make proper connections; and, connections having been made, each would through its rate-making powers try to get the lion's share of the profit on the joint traffic. It was not long before some sort of government regulation was found to be necessary. In the years 1862-65 the legislature in amending the territorial charters frequently inserted the provision that the railroads were to transport all passengers and freight delivered to them by any connecting line on the same terms and at no higher rate for the same service than was at the time charged patrons living on their own lines, and the connecting lines were to be governed by the same rule.<sup>255</sup>

From 1866 to 1870 a number of the special railroad laws contained the provision that the railroad company should be bound to carry freight and passengers at reasonable rates. Two companies were authorized to build branch roads conditional on compliance with this provision.<sup>256</sup> Four enactments authorized the construction of branches with this provision applicable to the branches.<sup>257</sup> In two of the revived charters this provision was incorporated as an amendment.<sup>258</sup> One company was authorized to withdraw a \$20,000 guarantee deposit, provided it submitted to this exaction.<sup>259</sup> The evident object of this provision was to make the railroads possessing special

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255. Special Laws, 1862, chs. 17, 19, 20; 1863, chs. 1 and 2; 1864, ch. I, chs. 1 and 2; 1865, ch. 2.

256. Ibid., 1866, chs. 4 and p.

257. Ibid., 1867, ch. 18; 1868, ch. 9; 1890, chs. 59 and 60.

258. Ibid., 1867, ch. 11; 1870, ch. 57.

259. Ibid., 1866, ch. 6.



rate-making powers subject to the common law rule that common carriers may only charge uniform and reasonable rates. If railroads were placed on the same footing as other common carriers, the question of reasonableness would, in the absence of legislative enactment, be determined in court. The right of the legislature to fix rates for turnpike, canal, and plank-road companies, had been generally accepted, and maximum rates were frequently fixed in the charters. Until the Dartmouth College decision,<sup>260</sup> the state legislatures could establish or change rates for common carriers at any time. After this decision they would have the same right unless "contracted away" in the charters. As a result of this series of enactments, the principal lines of the state were legally bound to carry passengers and freight at reasonable rates. Later the legislature tried to determine what the maximum of reasonable rates was.

In 1866 the legislature authorized the construction of two branch roads, expressly reserving in each case the right to regulate the price of freight and fare on the proposed branch.<sup>261</sup> A similar reservation was made in an act authorizing an Iowa company to build a railroad connecting its line in Iowa with the Minnesota Central at Austin, Minnesota.<sup>262</sup> In 1867 the congressional land grant of the previous year was given to the Southern Minnesota, "provided, that the legislature shall have the right to fix and regulate from time to time the rates of freight and passenger tariffs on said railway, or on any branch or division thereof."<sup>263</sup> A discussion arose in this legislature as to whether it had the constitutional power to fix and regulate freight and passenger rates, and particularly whether the exercise of such power would be in conflict with the judicial power. These questions were referred to the attorney general, who gave as his opinion that "as the courts must decide from the evidence in each case as it arises, whether such rates are equal and reasonable, therefore, legislative enactment to fix or establish such rates specifically would, unless accepted by the

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260. 4 Wheaton, 518, February Term, 1819.

261. *Ibid.*, 1866, chs. 7 and 11.

262. *Ibid.*, 1866, ch. 8.

263. *Ibid.*, 1867, ch. 6.

company, be in derogation of the judicial powers, and of no binding force or validity."<sup>264</sup> As a result of this opinion, no more laws asserting the right of the legislature to make any such regulation were passed for several years. The offending provision in the Southern Minnesota enactment<sup>265</sup> was immediately repealed, and the company announced in a prospectus issued some time later that the state had "disclaimed all right to interfere by legislation with the rates of freight and passage over the road, no such right having been reserved by the charter."<sup>266</sup>

The general incorporation law of 1858 had fixed a maximum rate of three cents per passenger mile, and five cents per ton mile, for companies organized under this act. In the general statutes of 1866 this provision remained unchanged. The legislature had not succeeded in fixing maximum rates for the companies not under the general law, and the question came up for discussion why unaided railroads under the general law should not be allowed to charge as much for their services as the companies who had been heavily subsidized with land grants.<sup>267</sup> A bill was introduced in the legislature of 1869, the object of which was to bring all the railroads of the state under the same general law respecting rates.<sup>268</sup> This bill was defeated, and another bill passed, which authorized any railroad company organized under the general law to charge such reasonable rate for freight and passengers as might be fixed by the corporation or prescribed by law.<sup>269</sup>

The territorial charters had in most cases provided different penalties for damaging or obstructing trains, or endangering the lives of passengers, on the different railroads. This lack of uniformity was remedied by a general law enacted in 1868, which was made applicable to all the railroads of the state.<sup>270</sup> The legislature did not find it necessary in this case

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264. Opinions of the Attorney General (1858-1884), pp. 237-8, Feb. 20, 1867.

265. Special Laws, 1867, ch. 7.

266. Prospectus of Southern Minn. Railroad Company, 1869, p. 10.

267. St. Paul Daily Press, Feb. 18, 1869, p. 1, c. 2.

268. Ibid., Feb. 14, 1869.

269. General Laws, 1869, ch. 78, sec. 2.

270. General Laws, 1868, ch. 57.

to make an amendment to each of the several territorial charters in force at the time.

From the first the gross income tax was invariably associated with federal land grants. This idea seems to have originated in Illinois, in connection with the Illinois Central, the pioneer land grant railroad company.<sup>271</sup> In 1854 Wisconsin made a gross income tax of one per cent, in lieu of all other taxes, applicable to all her railroads.<sup>272</sup> The constitution of the state of Minnesota provided that "all taxes to be raised in this state shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation and be equalized and uniform throughout the state."<sup>273</sup> When state lands were given, no mention was made of the gross income tax; for instance, when the Lake Superior and Mississippi was given state swamp lands in 1861.<sup>274</sup> But when the same company four years later was given a federal land grant, a gross income tax was imposed on the company in lieu of all other taxes, state and local.<sup>275</sup> In the former case a gross income tax would have been clearly unconstitutional, but in the latter the state, as a trustee of the federal government, could dispose of the lands under such conditions as it might see fit to impose, being responsible only to Congress for the manner in which the trust was executed. This form of taxation was believed to be less burdensome and vexatious to the railroads, especially in their infancy, and ultimately more advantageous and productive to the state.<sup>276</sup>

Three per cent was at first the usual rate required; but, as an added inducement to an early construction of the projected lines, the burden was temporarily made lighter. By special enactments in each case, every company having claims to federal land grants was, by 1865, required to pay only one per cent of its gross receipts annually for the first three years after the first thirty miles of railroad had been completed, two per cent for the next seven years, and after ten years the full three

271. Private Laws of Ill., 1851, p. 61.

272. General Laws of Wis., 1854, ch. 74.

273. Art. p., sec. 1.

274. Special Laws, 1861, ch. 1.

275. Ibid., 1865, ch. 2; Land grant of May 5, 1864.

276. St. Paul vs. Ry. Co., 23 Minn., 469.

per cent. Later land grants contained similar provisions. In 1870 the nine railroad companies paying gross income taxes paid according to this plan.<sup>277</sup>

The companies favored this form of taxation, for it relieved them of all local taxation. They seem to have regarded the temporary reduction as a very substantial aid.<sup>278</sup> The people as a rule were satisfied with this method of taxing the railroads, for, while the companies were exempt from local taxation, the state as a whole would be benefited by this substantial source of income to the state treasury.

In connection with the collection of the gross income tax came a certain amount of supervision of accounts. This was expressly provided for in the enactments. The governor, or any other person legally appointed, was given authority to inspect the books and papers of the railroad companies and to examine their officers, agents and servants under oath, to ascertain the truth of their reports.

According to the original enactments the land grants held by the railroads were exempt from taxation until sold and conveyed. Interpreting this provision liberally, the railroad companies rented out land on long time leases and delayed in formally conveying much land actually sold, thus withholding such land from the operation of the tax laws. Since the railroads were not subject to general law, the legislature tried to remedy the evil by passing a series of special enactments, providing that land was to be sold, conveyed, or leased; but, in case of delinquent taxes on such land, the title or interest of the railroad company or of any trustee or mortgagee was not to be impaired, only the improvements and interests of the purchaser or lessee being liable to forced sale.<sup>279</sup> It was optional with the companies in each case, however, to accept these enactments or not, as they chose. The revived charters of the Hastings, Minnesota and Red River of the North and of the Minnesota Central also contain these provisions.<sup>280</sup> The right of the state legislature to exempt the lands from taxation, conditioned on the payment of a percentage of the annual gross

277. Report of the Railroad Commission, 1871, table opposite p. 40.

278. Prospectus of Southern Minn. Ry. Co., 1865, p. 9; 1869, p. 14.

279. General Laws, 1865, ch. 15; Special Laws, 1865, chs. 5, 7, 8, 9, 10.

280. Special Laws, 1866, ch. 12, sec. 19; 1867, ch. 11, sec. 19.



earnings of the companies, was not seriously questioned for over thirty years. The gross income tax itself was clearly recognized in a constitutional amendment ratified in 1871.<sup>281</sup> When in 1895 the state legislature tried to subject to taxation the land grants still held by the railroads, this act, though upheld by the state supreme court, was declared unconstitutional by the federal supreme court because it impaired the obligation of contracts made by the state with the railroad companies.<sup>282</sup> The state supreme court had up to this time (1898) consistently upheld the gross income tax and the exemption from other forms of taxation of railroad franchises and property, including the land grants received from the federal government.<sup>283</sup>

In 1871 the railroad commissioner estimated the total land grants to railroads in Minnesota at 12,222,780 acres, "an area larger than the whole of Massachusetts, Rhode Island, Connecticut, and one-half of New Hampshire, embracing much of the finest wheat land in America."<sup>284</sup> Up to the close of the year 1870 municipal aid to these railroads had been voted to the sum of \$1,751,000, of which \$388,000 had been received.<sup>285</sup> In his discussion of the aid given the first division of the St. Paul and Pacific, the commissioner concludes: "It appears then that the public has granted for its construction \$43,452 per mile for the length of the road."<sup>286</sup> Other railroad companies had received, in lands and municipal aid, from \$8,400 to \$29,000 per mile, according to his estimation.<sup>287</sup> Six years before the Southern Minnesota railroad company, to which the state had given about half of the property and interests of one of the original land grant companies, estimated the value of its share of the roadway, grading and bridging of its defaulted predecessor at over \$200,000. It valued fifty thousand acres of

281. General Laws, 1871, ch. 18.

282. *Stearns vs. Minn.*, 179 U. S., 223; reversing 72 Minn., 200 (1898).

283. *Ry. Co. vs. Parcher*, 14 Minn., 297; *Minn. vs. Ry. Co.*, 21 Minn., 315 and 472; *Ry. Co. vs. St. Paul*, 21 Minn., 526; *Ramsey County vs. Ry. Co.*, 33 Minn., 537; *Todd County vs. Ry. Co.*, 38 Minn., 163; *St. Paul vs. Ry. Co.*, 39 Minn., 112; *State vs. Luther*, 56 Minn., 156.

284. Report of the Railroad Commissioner, 1871, p. 12.

285. *Ibid.*, p. 50, table 10.

286. *Ibid.*, p. 13.

287. *Ibid.*, p. 12, ff.



its federal land grant at about \$300,000, and its one hundred and fifty thousand acres of state swamp lands at \$375,000, with prospects of immediate increase and both grants exempt from taxation till sold by the company.<sup>288</sup> These figures are not much below those of the railroad commissioner. The people had not forgotten these grants and they naturally looked for corresponding benefits.

The state had heavily subsidized these railroads, and as a result 993½ miles, out of a total mileage of 1,092½, were operated by land grant companies, although thirty-nine other companies had been incorporated under the general incorporation law during the years 1858 to 1870.<sup>289</sup> We find, then, that over ninety per cent of the mileage was governed by special law and subject to an extra-constitutional system of taxation. According to the Dartmouth College decision, these companies were virtually beyond the control of the state whose legislature had originally created them.

The main railroad problem had at first been how to get railroads constructed. When the railroads actually began operation, new problems arose which proved fully as difficult. Railroads were being built in advance of the business needs of the country, and competition for larger shares of the meager business soon led to discrimination. The companies tried at non-competitive points to make up for their low rates at competitive points. Farmers at some places had to haul their wheat fifteen or twenty miles beyond their nearest market, to get the benefit of more favorable rates. Between certain points freight charges were so high that farm products and merchandise could be hauled more cheaply by team.<sup>290</sup> The success of individual shippers, as well as the prosperity of entire communities, depended largely on the good will of the railroad companies.<sup>291</sup> In order to secure elevators and proper facilities for handling grain along their lines, some railroads had guaranteed to certain grain-dealers special reduced rates and rebates. This resulted in a virtual monopoly of the local

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288. Prospectus of Southern Minnesota Railroad Company, 1865, p. 5.

289. Report of the Railroad Commissioner, 1871; see list in appendix, p. 93, ff.

290. *Ibid.*, p. 17.

291. Stickney, the Railway Problem, ch. 4.

grain markets, and frequently led to gross abuses which the state had no power to remedy under the existing interpretation of the law. Other railroad companies had built their own elevators and bought the grain themselves. Competitors were generally denied access to the railroads, and those who secured access were unable to compete because of the higher rates charged them. When farmers decided to ship the grain themselves, they almost universally found it an unprofitable undertaking.<sup>292</sup> Loud and frequent complaints of extortion, and of unjust and burdensome discrimination, were heard along the different lines right from the start. The farmers especially believed themselves to be at the mercy of the "corporations." The situation was all the more exasperating because the railroads operating at the time had been so heavily subsidized by the state. In 1865 the directors of a land grant company had looked upon their enterprise as a "trust liberally bestowed upon them by the state to be carried out faithfully and honestly, but also for the development of the resources of the state, and as a part of its well-devised system of improvements."<sup>293</sup> The public in general was not very well satisfied with the manner in which the companies had carried out their trusts.

The state had given the railroad companies appropriation rights which could legally be exercised only for public purposes. These rights had been freely made use of. From this it was argued that the railroads were public highways, and that all had an equal right to their use.<sup>294</sup> The courts had held the railroads to be common carriers. As such they would, under the common law, be bound to serve the public at equal and reasonable rates without discrimination. This restriction had, according to the Dartmouth College decision, been contracted away in the case of the special charter companies. The vested rights of the companies were upheld by the courts, but now the people began to believe that they, too, had certain

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292. *Ibid.*, ch. 3.

293. Prospectus of the Southern Minnesota Railroad Company, 1865, p. 12.

294. For instance, in a letter read at the Minn., State Grange, June, 1870, and ordered printed for circulation. O. H. Kelley, *Patrons of Husbandry*, pp. 256-259.

"vested rights," and they meant to assert them. This struggle on the part of the people to maintain its common law right of control over railroads as common carriers has become known as the Granger Movement.

## CHAPTER VIII.

### THE GRANGERS.

The Granger Movement derives its name from the Grangers, a term popularly applied to the Patrons of Husbandry, a secret agricultural order whose lodges are known as granges. The so-called granger or anti-railroad movement, which resulted in restrictive legislation, aiming to control railroad rates, in Illinois, Iowa, Minnesota, and Wisconsin, was only a comparatively local manifestation of a general farmers' movement, which had for some time been gaining momentum both in this country and in Europe. In the United States the National Order of the Patrons of Husbandry proved one of the most efficient organizations for this general movement, which resulted in a very marked advance in the social, economic, and political position of the American farmer. The membership of the order had a phenomenal increase among the farmers of the country at the time when the farmers, especially in the middle west, were in the midst of their revolt against what they termed railroad oppression; and the popular name of the members of the order immediately became associated with the anti-railroad agitation in a few states, rather than with the more general movement.

The two decades preceding 1870 had been a period of organization among the farmers. Societies for the promotion of agriculture had been organized in this country as early as 1785, and for many years a number of these societies did much good in encouraging this industry by holding fairs and awarding prizes for the best cattle, sheep, farm produce, and farm implements, exhibited. They also awarded prizes for essays on agriculture, and distributed these essays and other agricultural literature among the farmers. The proceedings of their meetings were generally published in the local papers, and in

this way some came to exert a wide influence. The members of these societies, however, were not the average farmers of the community, but were in the main "gentlemen, merchants, and landowners," who from philanthropic and patriotic motives wished to foster and develop the agriculture of the country. A large proportion of the farmers at the time looked upon their occupation as mean and servile, and comparatively few took any pride in their work.

A number of county and state agricultural societies were formed in the first decade of the nineteenth century; but the main incentive to an active interest in such organizations came in the year 1837-8, when food products had to be imported to the amount of several million dollars. Congress in 1839 appropriated \$1,000 "for the collection of agricultural statistics and investigations for promoting agriculture and rural economy and the procurement of cuttings and seeds for gratuitous distribution among the farmers." This appropriation was made at the suggestion of the commissioner of patents. After 1847 appropriations became regular and were constantly increased in amount, so as to be more commensurate with the end in view. The first United States Agricultural Report was made by the patent office in 1839. This office through its agricultural division did much for the advancement of agriculture, and demonstrated the need of a separate department of agriculture.

As early as 1841 an attempt was made to organize a national agricultural society, but without success. In 1852 twelve state agricultural societies called a national convention, which met at Washington, D. C., June 14, 1852. Twenty-three states and territories were represented, and the United States Agricultural Society was organized. This society met annually at Washington, D. C., and held successful agricultural exhibitions in different parts of the country every year until the outbreak of the Civil War.

In an address published in the agricultural report of 1852, the number of agricultural societies in the United States was said to be three hundred.<sup>295</sup> Five years later the commission-

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295. Agricultural Report, 1852, p. 22; Report of the Commissioner of Patents.



er of patents named twenty-one states in which state agricultural societies had been incorporated, and estimated the total number of agricultural societies at eight hundred.<sup>296</sup> The commissioner of patents, and later the commissioner of agriculture, encouraged the formation of such societies in every part of the country, and advocated a more intimate union and a more decided co-operation on their part with the general government in the great work of agricultural improvement. The government was especially interested in efficient local organizations which could furnish agricultural statistics.<sup>297</sup> In 1867 there were 1,367 agricultural societies recorded on the books of the department of agriculture. Most of the county societies had been organized between 1850 and 1860, while the greater number of the more numerous township societies and farmers' clubs had been started after 1860.<sup>298</sup> In some states many more were organized between 1867 and 1870.<sup>299</sup>

The state, county, and township societies were in various ways encouraged and subsidized by the state and national governments. In most cases their main function seems to have been to hold annual fairs and exhibits, or to assist in such undertakings. These fairs were of great educational value to the farmers, and did much to encourage invention and improved agricultural methods. At first the work was unjustly criticized and ridiculed by those whom it was intended to benefit, but later the farmer came to see that he actually could learn something new about farming. But when the farmers themselves became interested, they were not content with annual meetings, fairs and exhibitions, and the voluminous literature distributed among them. They proceeded to organize farmers' clubs, which met frequently for social intercourse and mutual aid in solving practical every-day problems. As early as 1846 the *Monthly Journal of Agriculture* published a set of

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296. *Ibid.*, 1857, p. 13.

297. *Ibid.*, 1860, pp. 20-22; Report of the Commissioner of Agriculture, 1863, p. 9.

298. Report of the Commissioner of Agriculture, 1867, pp. 364-403. List of agricultural societies, their officers, date of organization, etc.

299. List of agricultural and pomological societies, farmers' clubs, etc., on the books of the Department of Agriculture, July 1, 1870, 47 pp.



rules for the organization and government of farmers' clubs, and urged the farmers to unite and look after their own welfare as the other classes were doing.<sup>300</sup> Agricultural papers frequently published such constitutions, and the call to unite became more urgent as time went on and the practicability of such organizations became more apparent. Most of the township organizations in the lists of agricultural societies published by the commissioner of agriculture in 1867 and in 1870 were farmers' clubs. This movement was general, and we find these clubs in all parts of the country. It was at this time that the order of Patrons of Husbandry appeared on the scene and gave this general movement an efficient centralized organization.

The idea of a national agricultural order originated with Mr. Oliver H. Kelley, a native of Boston, who moved to Minnesota in 1849, settling on a farm near Itasca, Sherburne county. He spent the winter of 1864 in Washington, receiving a clerkship in the department of agriculture by the friendly aid of Senator Ramsey of Minnesota. He returned to Minnesota in the spring of 1865. On January 1, 1866, he received a commission as special agent of the agricultural department to investigate the agricultural and mineral resources of the South. As a government official he did not expect a very friendly reception, but, being a freemason of good standing and a man of tact and pleasing address, he travelled through all the states east of the Mississippi without any unpleasant experiences, returning to Washington, April 21, 1866. The war had just closed, and the work of material recuperation had scarcely begun. Mr. Kelley became convinced that there was need of a fraternal organization of all the farmers in both North and South, to obliterate sectionalism and to elevate the farmers as a class to a position of dignity and power. Agricultural clubs were numerous, but they were neither permanent nor effective. He conceived the idea of a union of agricultural societies for practical co-operation in the promotion of their common interests, a masonry of farmers.

Mr. Kelley spent the summer of 1866 at work on his farm in Minnesota, but returned to Washington in November.

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300. Monthly Journal of Agriculture (New York), vol. II, p. 241.

Early in January, 1867, he secured an appointment in the post office department. In the summer of 1867 he succeeded in interesting a small select group of men, most of whom were clerks in various departments.<sup>301</sup> After much work and careful deliberation they completed a scheme of organization, and on December 4th they constituted themselves the National Grange of the Patrons of Husbandry. As modified the following January, the plan of organization was as follows:

Subordinate Granges.

- 1st degree, Laborer (male) or Maid (female);
- 2nd degree, Cultivator or Shepherdess;
- 3rd degree, Harvester or Gleaner;
- 4th degree, Husbandman or Matron.

State Grange.

5th degree, Pomona (Hope). All masters and past masters of subordinate granges are entitled to this degree ex officio.

National Grange.

6th degree, Flora (Charity). All masters and past masters of state granges are ex officio entitled to this degree. Those of the sixth degree constitute the national council and meet annually.

7th degree, Ceres (Faith). All who have served one year in the national council are eligible and on attaining the degree become members of the senate. All acts and resolutions originate in the council, but are subject to the approval or rejection of the senate.

The order was designed to include on equal terms all men and women interested in agriculture. The first officers were to serve five years, so as to secure the control of the order in the hands of the founders during its formative period. A circular was published in February, setting forth the educational and social advantages offered by the new order which by the charm of secrecy would tend to insure permanence. Mr. Kelley

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301. W. M. Ireland, chief clerk in Finance Office of Post Office Dept.; Wm. Saunders, superintendent of the garden and grounds of the Agricultural Dept.; Rev. A. B. Grosh, clerk in the Agricultural Dept.; Rev. John Trimble, clerk in the Treasury Dept.; J. R. Thompson, clerk in the Treasury Dept.; F. M. McDowell, vineyardist at Wayne, N. Y.

had advocated the insertion of a few words relative to co-operation in protecting the members from imposition and fraud, for he was satisfied that such a feature would be necessary to make the order popular. Others, however, were of a different opinion, and it was not incorporated.

Mr. Kelley resigned his clerkship in February, 1868, that he might devote his entire time to the promotion of the order. A trial grange was organized, and the ritual was practiced and perfected; and soon a regular subordinate grange, which was given the name Harvest Grange, was established in Washington. Kelley now decided to leave for Minnesota to begin work among the farmers there. Before he left, the National Grange met (six in all) and authorized him to visit the different states to organize the order, and generously voted him an annual salary of two thousand dollars and necessary travelling expenses, "the same to be collected by him from receipts from subordinate granges."

On April 3, 1868, Mr. Kelley left Washington, determined to work his way to Minnesota by organizing granges. He had a remarkable faith in the project, and believed that the order could and should pay its own expenses. He attempted to organize a grange in Harrisburg, Pennsylvania, but did not succeed. At Penn Yan, N. Y., he met with cheering words from a brother Mason and Patron, Mr. McDowell, who had for some time been interested in the order, but he failed in his attempt to establish a grange. At Fredonia, N. Y., however, he met with success, and the first regularly organized grange of the order was there established. Mr. Kelley next had an agreeable visit with a friend of the order in Spencer, Ohio, Mr. Bartlett, whom he instructed in the work of organization and authorized to introduce the order in that part of the state. In Chicago he found a club ready to be organized into a grange. This was encouraging at the time, but the grange did not materialize. His next visit was to Madison, Wisconsin, where he had hoped for much, but met with complete failure. He reached St. Paul, Minn., May 1. On the way from Washington he had received dispensation or charter fees at Harrisburg, Fredonia, Columbus, and Chicago. He now received by mail an application for a dispensation from Newton, Iowa, enclos-

ing the required fee of fifteen dollars. These receipts paid the expenses of his trip, but the prospects of the order were not the brightest.

The farmers of Minnesota were at this time far more interested in protection against middlemen, corporations and monopolies, than in any plan for social or educational improvement. They had lost interest in the old agricultural societies and were ready for something new. The Farmers' Union, an agricultural monthly, which was started in Minneapolis in August, 1867, with a claimed circulation of ten thousand, immediately took up the farmers' cause. It recommended monthly township fairs, where farmers could meet to buy and sell to each other directly, without the aid of middlemen.<sup>302</sup> It planned to protect the farmer against unscrupulous agents who practiced fraud and deception, and urged all who had been swindled to give information.<sup>303</sup> The editor, Mr. Nimocks, was secretary of the Minnesota Farmers' Mutual Fire Insurance Association, and he made effective use of the columns of his paper in advertising the "Farmers' Association." He gives the following account of its origin: "On the 15th of July, 1865, a number of farmers of this state assembled at Minneapolis and organized a club or association for the purpose of assisting one another when fires occur, or, in other words, do their own insuring and save a large amount of money and thus avoid being swindled by irresponsible insurance companies. . . : Each farmer insured is a member, and has a voice in its affairs and a vote in the election of officers."<sup>304</sup>

In November, 1867, the Farmers' Union began an active campaign for the organization of social farmers' clubs. It proposed to have in the field an able corps of associate editors and traveling correspondents, to assist in the establishment of such clubs in every neighborhood in the state for the benefit of farmers, their wives, and families.<sup>305</sup> This plan was carried out during the winter, and, judging from the letters from farmers' clubs in different parts of the state, the farmers must have taken considerable interest in the work.

302. The Farmers' Union, Aug., 1867 (Vol. I, No. 1).

303. Ibid., Sept., 1867.

304. Ibid., Aug., 1867.

305. Ibid., Nov., 1867; Jan., 1868.



When Mr. Kelley, on his return from Washington in May, 1868, began to work for his order, the Farmers' Union pronounced his plan of organization the most perfect that had ever been introduced, and recommended it heartily to the farmers of the state. It continued, however, for some time to work for the establishment of farmers' clubs as before. One effective argument for organization was the co-operative feature, whereby farmers would be enabled to purchase machinery, nursery stock, groceries, and other necessities, without the expensive services of retailers and commission men, who frequently were guilty of charging exorbitant prices. The success of the Farmers' Association in the field of insurance was pointed out as a proof of the practicability of co-operation, and the farmers were urged to apply this principle of co-operation in other fields.

It is not to be understood that the Farmers' Union was the cause of this great agitation among the farmers of Minnesota at this time. It merely offered the farmers a formula according to which it was believed they would be enabled in a large measure to improve their condition. The times were hard and the discontent was general throughout the state. This discontent was due partly to local conditions and partly to general causes. A general movement toward improved farming and improved farmers had been in progress for several decades in this country and in Europe. Where any material advance was made, a period of social and political re-adjustment, with its struggle and its discontent, necessarily followed.

The immediate causes for discontent, however, were more concrete. The farmers of the state blamed the railroads and the middlemen for the hard times, and later they added high taxes, high protective tariff, and bad currency, to their list of grievances. Retailers and agents, as a rule, fixed a large margin of profit on goods sold. This practice was to some extent justified by the risk involved, for the farmers at that time seldom paid cash, and many of them were notoriously slow payers. Large profits on cash sales, and good accounts, made up for possible losses on doubtful accounts. But when the farmers realized that high prices were in a large measure due to these large profits, they felt swindled and their ire was



aroused. Many irresponsible men did swindle them outright, thus adding fuel to the flame.

With the rapid extension of interstate railroad systems, the question of railroad regulation and railroad control had already in 1868 ceased to be merely a matter of local concern. In the second session of the fortieth Congress, the committee on roads and canals was instructed by the House to investigate whether Congress had the power, under the constitution, to provide by law for the regulation and control of railroads, especially those extending through the several states, so as to secure, first, the safety of the passengers; second, uniform and equitable rates of fare; third, uniform and equitable charges for the transportation of freight; fourth, proper connections with each other in the transportation of passengers and freight; and if, in the opinion of the committee, Congress possessed such powers, it was to report a bill which would secure these objects.<sup>306</sup> The committee reported that in its judgment Congress had such power over railroads connecting two or more states, but that it had no constitutional power to legislate in relation to railroads which do not form parts of continuous lines extending from one state to another. The committee did not report any bill, for they were not in possession of much necessary information.<sup>307</sup> Two members of the committee submitted a vigorous minority report.<sup>308</sup>

The need of railroad regulation was general, but the situation became most acute in the frontier states where imports and exports had to be transported great distances, and where discrimination seems to have been most flagrant. Communities and individuals discriminated against could justly complain of unreasonable charges, and when the railroads insolently maintained their vested rights to fix charges to suit themselves the people did not find the "oppression" more tolerable.

Mr. Kelley immediately began his campaign for the new order. Believing thoroughly in publicity, he lost no time in enlisting the services of the press. The order was advertised as a national organization, making rapid progress in a number

306. Congressional Globe, 1867-8, part 3, p. 2331.

307. 40th Cong., 2d Session, House of Representatives, Report No. 47, pp. 1-8.

308. Ibid., pp. 8-20.

of states, and now being introduced in Minnesota as a protective organization which would be of great benefit to its members.<sup>309</sup> The headquarters of the order were in Washington, D. C., and its nine officers were from seven different states and the District of Columbia.<sup>310</sup> The constitution of the order and its circulars were printed in the various newspapers of the state. In his monthly report to the National Grange, made August 1, 1868, Mr. Kelley says: "I can now report to you the friendly aid of five agricultural papers, whose columns are open to our cause, viz.: The Prairie Farmer, Chicago; Farmers' Chronicle, Columbus, Ohio; Ohio Farmer, Cleveland; Rural World, St. Louis; Farmers' Union, Minneapolis. Besides these the various daily and weekly papers in the state will publish any matter to advance our interests."<sup>311</sup>

Mr. Kelley availed himself of every opportunity to bring the order before the farmers. He attended a meeting of the executive committee of the State Agricultural Society held in June, 1868, and seems to have received encouragement from its members.<sup>312</sup> He attended a horticultural fair in Minneapolis the first week in July and met many farmers. In a report of this fair which he sent to the Sauk Rapids Sentinel, he expresses his pleasure because of the interest which the officers of the state and county agricultural societies in Minnesota were taking in the new order. He optimistically estimated that according to present prospects at least fifty granges would be represented at the coming State Fair.<sup>313</sup> The editor of the Sauk Rapids Sentinel congratulated the Patrons upon the increase of their number since the first grange was organized in the state, and added: "They may well feel encouraged. The order is endorsed by the executive committee of our state agricultural society and by all the leading farmers who have become familiar with the order."<sup>314</sup> A month later he reported: "Granges of the Patrons of Husbandry are springing up in all

309. Sauk Rapids Sentinel, June 19, 1868.

310. Ibid., June 19, 1868.

311. Kelley, *Origin and Progress of the Order of Patrons of Husbandry in the United States*, p. 117.

312. Ibid., p. 110.

313. Sauk Rapids Sentinel, July 10, 1868.

314. Ibid., July 17, 1868.

parts of the state. The farmers are looking after their interests, and every town should have a branch of this order.”<sup>315</sup>

This was no doubt what Mr. Kelley wanted, but as a matter of fact the order was at the time meeting a rather cool reception. The farmers were not ready to join a secret society whose objects and purposes they were not familiar with. The circular did not give them sufficient definite information. They considered it too flowery and ambiguous. They had no need of a “mutual admiration society,” but wanted an association that would aid and protect them.<sup>316</sup>

In a letter to the officers of the National Grange, dated July 12, 1868, Mr. Kelley writes: “In the country the farmers ask, ‘What pecuniary benefit are we to gain by supporting the organization?’ Let the National Grange point it out, let it show that each Grange is of itself a Board of Trade, and by the system of communication between subordinate, state, and National granges they can market their produce independent of the Chambers of Commerce, Millers’ and Wool Growers’ Associations, which are gotten up to control the market. . . . Ask them this question, ‘Why not the producer establish the price of his products as well as the manufacturer?’ Not to secure exorbitant demands, but to get a fair profit over the cost of raising the crops. No man can accumulate money who sells below cost. If you hit this point right, you will sweep the West. . . . Mark my word, there is a revolution going on among the people, and if you strike the right chord in a new circular letter, you will soon see the Patrons will be a power, and yourselves at the head of it.”<sup>317</sup>

During the summer two abortive attempts had been made at establishing subordinate granges. The first active grange in Minnesota was the North Star Grange which was organized in St. Paul, September 2. Col. D. A. Robertson, the leader in this grange, immediately set to work and revised the circular of the order, with the hearty approval of Mr. Kelley. The new circular was issued over the signature of O. H. Kelley, Secretary of the National Grange, and under the date, “National

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315. *Ibid.*, Aug. 21, 1868.

316. Kelley, *op. cit.*, p. 110.

317. *Ibid.*, pp. 113-114.

Grange, Washington, D. C., Sept., 1868." According to its statement, the objects of the order were to advance education, to elevate and dignify the occupation of the farmer, and to protect its members against the numerous combinations by which their interests are injuriously affected by means of combined co-operative association. The order was to provide systematic arrangements for procuring and disseminating information relative to crops, demand and supply, prices, markets and transportation throughout the country, and for the establishment of depots for the sale of products in the cities; also for the purchase and exchange of stock and seeds, for employment bureaus, for ascertaining the merits of newly invented farm implements, and for detecting and exposing those that were unworthy, and for protecting, by all available means, the farming interests from fraud and deception of every kind.<sup>318</sup> On the new circular, embodying these with the former provisions, was based the real foundation of the order.<sup>319</sup>

But even though the order trimmed its sails to the agitation among the farmers, its progress continued far from satisfactory. By the close of 1868 only four granges in Minnesota had paid their dispensation fees, and a fifth had been organized gratuitously. But Mr. Kelley continued the struggle, though at times "almost against hope."<sup>320</sup>

Beginning with the new year, prospects brightened. By February 20, six new granges had been added to the list, and on February 23, 1869, the Minnesota State Grange was duly organized,<sup>321</sup> and continued its session two days. It was here suggested that the different subordinate granges should lease flouring mills in their respective localities and appoint a business agent at St. Paul, who was to receive the flour and ship it to New York, where it would be sold on commission.<sup>322</sup> The executive committee accordingly appointed Mr. Prescott state agent. Mr. Kelley approved of this business feature, and began to look around for men of means to support the enterprise. The National Grange held its first annual session in Washing-

318. *Ibid.*, pp. 125-130; Sauk Rapids Sentinel, Oct. 2, 1868.

319. Kelley, *op. cit.*, p. 130.

320. *Ibid.*, p. 151.

321. *Ibid.*, p. 165.

322. *Ibid.*, p. 168; Letter from O. H. K. to McDowell, March 1, 1869.



ton, April 13. They here discarded the Minnesota state agency as premature.<sup>323</sup> Every subordinate grange in Minnesota, however, approved of the plan, but held it to be a local matter which did not necessarily involve the order. Their immediate concern seems to have been to secure farm machinery at reduced rates. Mr. Kelley was glad to see something started, for, if the farmers could be brought to fight the retail dealers through the order, the order would be advertised throughout the state and nation. If the agency proved a success, the National Grange could adopt the plan. If it failed, all official connection with it could be disclaimed.<sup>324</sup> At the meeting of the National Grange held in Washington, January 25, 1870, Mr. Kelley could report a total of forty-nine granges, forty of which were in Minnesota. Iowa had three granges; Illinois had three; and Ohio, Pennsylvania, and New York, each one.<sup>325</sup>

So far the Grange Patrons had been mainly interested in their fight with the middlemen. Many communities throughout the state were still without railroads, and were anxious to secure them at any cost. The agitation against railroad abuses had not yet taken any definite form. In Illinois the situation was different. The main railroad lines had already been built. Corn, their chief farm product, could not bear heavy transportation charges and discriminatory rates would be particularly oppressive. Hence it was not long before the farmers were engaged in a lively struggle with the railroads. The *Prairie Farmer* was instrumental in calling a convention of producers, to meet at Bloomington, Illinois, April 20, for the purpose "of devising means to combat the vast railroad monopolies that threaten to overwhelm the country."<sup>326</sup> Mr. Corbett, the editor of this paper, considered this the best opportunity that had ever been offered for the order of Patrons of Husbandry to make itself felt among the farmers, and therefore wrote to Mr. Kelley, inviting him to attend the convention and bring the order before them. He closed his letter with the following words: "You must be present fully pre-

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323. *Ibid.*, p. 180; Letter from O. H. K. to McDowell, April 17, 1869.

324. *Ibid.*, pp. 186-7; Letter from O. H. K. to McDowell, May 4, 1869.

325. *Ibid.*, p. 219; second Annual Report.

326. *Ibid.*, p. 245; cf. Periam, *A History of the Origin, Aim and Progress of the Farmers' Movement*, p. 225.



pared to make a telling appeal for the cause through the organization to which you have already devoted so much time and labor. You can do more for it here in a single day than in months in the usual manner. Please let me hear that you will be present."<sup>327</sup>

Mr. Kelley does not seem to have been prepared to incorporate anti-railroad agitation in the program of the order, and did not accept the invitation. The convention was attended by a large number of leading farmers from different parts of Illinois. Governor John M. Palmer sent a letter in which he expressed the hope that the convention would assert and prepare to maintain that there is no interest in this country that is or can be beyond the control of the law.<sup>328</sup> A series of eight resolutions were drawn up in which it was declared: "First, that the present rates of taxation and transportation are unreasonable and oppressive and ought to be reduced; second that our legal rights to transportation and market ought to be clearly set forth and defined."<sup>329</sup>

On the thirteenth of May, 1870, a constitutional convention adopted a new constitution for the state of Illinois which was subsequently ratified by the people. This constitution reflects the influence of the farmers of the state by devoting seven sections to railroads,<sup>330</sup> and another seven to warehouses.<sup>331</sup> Railroads were declared public highways, and it was made the duty of the general assembly, from time to time, to pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads of the state,<sup>332</sup> and to pass laws to correct abuses and prevent unjust discrimination and extortion in rates on the different railroads, and to enforce such laws by adequate penalties.<sup>333</sup> These provisions led directly to the enactment of the so-called Granger laws of 1871 and 1874. When the constitutional convention met in May, 1870, there were two subordinate granges in the state, and when the legislature

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327. Kelley, *op. cit.*, p. 245-6; W. W. Corbett to Kelley, April 11, 1870.

328. Periam, *op. cit.*, p. 228.

329. *Ibid.*, p. 229.

330. Const. of Ill., 1870, Art. II, secs. 9-15.

331. *Ibid.*, Art. 13.

332. *Ibid.*, Art. II, sec. 12.

333. Kelley, *op. cit.*, p. 269 and 271.

met in January, 1871, only one more had been organized. As an advertisement for the order, a temporary state grange was organized in Chicago in July, 1870;<sup>334</sup> but it did not prove active and had to be reorganized in 1872, when granges began to get numerous.

On May 20, 1870, Mr. Corbett wrote a letter to Mr. Kelley, in which he expressed his firm conviction that the order had a work to perform in the war that was about to be waged by the people against the monstrous monopolies. Said he: "Railroad Companies, Warehouse and Telegraph Companies, are crushing the life out of the producing classes. \* \* \* \* We know the claims of vested rights that Railroad Companies, in the West especially, lay claim to. A corporation on the plea of public interests, gets the right of way, condemns property—our very homesteads, perhaps; to do this they are public corporations, acting for the public good. The charter and right of way once gained, this public character ceases, and railroad companies are private institutions not amenable to Legislatures or Courts, because the legislature has given away its power to regulate them. They can extort, oppress, rob. They can discriminate in favor of certain localities and individuals; they can combine with owners of warehouses, or build warehouses of their own, and force shippers to pay toll on every bushel of grain that passes over their road; they can and do refuse to deliver grain or other produce, except to such persons or companies as may pay into their own coffers. \* \* \* \* We, as Patrons of Husbandry, have united for common good and for common protection. \* \* \* \* We must not be political in the common acceptance of the term, only so far as to control politicians and office-holders, to make them talk, legislate, and decide on the side of the people all the time, \* \* \* \* whichever party will declare itself to stand on our platform, and whichever candidate will unqualifiedly pledge himself to carry out the reforms we demand, such party and such candidates should receive our votes. \* \* \* \* Opposition to monopolies seems to me to be entirely consistent with the design of our Order; with it as one of the watch-words, I believe we have the opportunity of extending our

334. Kelley, *op. cit.*, pp. 269 and 271.

Granges indefinitely throughout all these North-Western States."<sup>335</sup>

This letter was read before the Minnesota state grange which met June 22, 1870, and it gave such general satisfaction that it was ordered printed for circulation.<sup>336</sup> Mr. Kelley had some misgivings as to the result of such a war, but looked upon the publication of the letter as another way of bringing the order more prominently before the public.<sup>337</sup> Definite expression was here given to the farmer for his grievances against the railroads. The agitation against railroads soon became as lively in Minnesota as in Illinois.

When the Minnesota state grange met in June, 1870, there were sixty-six subordinate granges in the United States, of which fifty were in Minnesota. The order had been advertised as national, and Mr. Kelley was anxious to make it such in fact as well as in name. The other officers of the National Grange had disappointed him by their inactivity. He decided to move to Washington and make that city his headquarters, believing that he could in this way exert a wider influence.<sup>338</sup>

The services of a number of good men were enlisted in a number of states, and the order began to make a remarkable progress throughout the country. "Co-operation," and "down with the monopolies," were proving popular catchwords. The growth of the order for several years was unprecedented. The number of granges organized each year for 1868 to 1874, inclusive, was as follows:<sup>339</sup>

|      | State granges. | Subordinate granges. | Granges in Minn.<br>(Total No.) |
|------|----------------|----------------------|---------------------------------|
| 1868 | 0              | 10                   | 5                               |
| 1869 | 1              | 38                   | 33                              |
| 1870 | 2              | 36                   | 19                              |
| 1871 | 2              | 130                  | ..                              |
| 1872 | 8              | 1,105                | ..                              |
| 1873 | 22             | 8,868                | 358                             |
| 1874 | 4              | 11,941               | ...                             |

It was with these figures in mind that Mr. Aitkin, an old Granger, said in an address before a convention of agricul-

335. Kelley, *op. cit.*, pp. 256-259; W. W. Corbett to Kelley.

336. *Ibid.*, p. 256.

337. *Ibid.*, p. 259.

338. *Ibid.*, *passim*.

339. Department of Agriculture, Special Report No. 2 (1883), p. 63.

turists held at the Department of Agriculture in January, 1883: "From the Potomac to the Rio Grande, from the Golden State to the Hudson, and even into the pineries of Maine, and across the border, throughout the length and breadth of the Dominion of Canada, farmers fairly leaped, as with one preconcerted bound, to the upholding of the Grange standard."

## CHAPTER IX.

### THE CAMPAIGN FOR RAILROAD REGULATION IN 1870.

The discontent among the farmers of Minnesota was constantly increasing during the later sixties. They were not enjoying the prosperity they had looked for, and as the hard times continued they became more and more convinced that they were being exploited. In general they attributed their sorry plight to three main factors: the exorbitant charges of the middlemen, the financial policy of the national government, and the increasing power of corporations and monopolies, especially of the railroad companies.

When the legislature convened in 1870, Governor Austin in his inaugural address <sup>340</sup> took occasion to examine the popular complaints against the management of the railroads within the state, and also to present as fairly as possible the railroads' side of the case. Realizing that the charges made by either side against the other might be neither wholly true nor wholly false, he advised that a commission be created to make full inquiry into the alleged abuses and to present some plan remedying the difficulties, if abuses be found to exist. He did not question the constitutional right of the legislature to regulate freight and passenger tariffs, nor doubt the necessity of so doing, but he desired regulation based on accurate knowledge gained by careful investigation. "If the people are wronged," he said, "it would be a short-sighted policy on the part of the companies to strive to perpetuate the wrong; for when the people can bear it no longer, they will arise in their might and find some means of redressing their grievances, and then there will be danger of injustice on the other side. If

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340. Minn. Exec. Docs., 1869, Inaugural Address (25 pp.), Corporations, pp. 6-14.

the popular complaints are not well founded, a full impartial investigation will establish the fact, vindicate the corporations, and put the question forever at rest,—a result much to the advantage of all concerned.<sup>341</sup>

The governor's recommendation met with general approval among the people. A bill embodying its main features was introduced in the Senate and passed, but when the bill reached the House it was permitted to die of neglect.<sup>342</sup>

The question of railroad regulation had not figured prominently in the preceding campaign, but in the campaign of 1870 it sprang into prominence in different parts of the state. The farmers in particular were aroused. As we have seen, the order of Patrons of Husbandry was proposed to them as a means of self-protection against railroads and monopolies, but its growth at this time was slow. It was not yet strong enough to exert the influence its friends expected of it.<sup>343</sup>

The anti-railroad sentiment was especially marked in the first congressional district, where the Winona and St. Peter railroad was very unpopular at the time. In the Republican convention of this district, held in Owatonna July 6, emphatic protests were made against railroad extortions, and the following declaration was embodied in their platform: “\* \* \* the tendency toward consolidation of parallel or competing lines of roads, and of roads without competition from other roads or lines of water transportation, to exact extortionate rates of tariff for the transportation of freight, and to operate the corporations in the interests of jobbers, speculators and monopolies, without regard to the interests of the people, is dangerous to the commerce and industries of the country, and should be restrained and suppressed by the exercise of all powers over the subject delegated to Congress or retained to the state.”<sup>344</sup> In support of this plank in the platform, Governor Austin said in the convention: “I believe the masses of our state are beginning to suffer from the extortions and burdens

341. *Ibid.*, p. 14.

342. *Ibid.*, 1870, Governor's Message, pp. 38-39.

343. See Wabasha Weekly Herald, Sept. 15, 1870, p. 1, c. 3: “Now why don't this Order come up to its pretentions? \* \* \* It is time the Patrons showed themselves equal to their undertaking.”

344. Minneapolis Daily Tribune, July 7, 1870, p. 1, c. 4.



imposed by merciless, greedy monopolies and soulless corporations, to an extent hardly equalled from all the taxes imposed by the combined general and state governments. To relieve them from these burdens will test the powers and resources of politicians and statesmen more severely than the old well-worn issues of the past. The wrongs aimed at in the resolution have rapidly grown in great proportions, and if necessary in order to correct them, we should seize them by the foretop and shake them over hell till they get a smell of their manifest destiny." <sup>345</sup>

It is not to be understood, however, that this was primarily an anti-railroad convention. The delegates were fully as interested in the tariff, and it must be considered a notable achievement that the discordant elements managed to agree on resolutions heartily endorsing President Grant and Congress, and at the same time urging the reduction of the tariff to a revenue standard.<sup>346</sup> Mark H. Dunnell was nominated for Congress, pledged to corporation control and tariff for revenue only. Republican county and senatorial district conventions endorsed this platform, and quite generally passed resolutions in favor of legislative railroad regulation.<sup>347</sup>

The Democrats of the first congressional district met in convention at Owatonna, September 15. Some of the county delegations were decidedly mixed. In Fillmore county, for instance, the delegates had been chosen in a "people's convention," without regard to former political affiliation.<sup>348</sup> There were quite a number who had hitherto regularly affiliated with the Republican party, who now refused to support Mr. Dunnell, contending that he was a monopolist and a politician.

Though evidently many had looked for this to be distinctly an anti-monopoly convention, resolutions offered against monopolies and railroads were voted down and not included in

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345. St. Peter Tribune, Oct. 26, 1870, p. 2, c. 2.

346. Minneapolis Daily Tribune, July 7, 1870, p. 1, c. 4, for party platform. See also St. Paul Daily Pioneer, July 7, 1870, p. 1, c. 4; July 9, p. 1, c. 1.

347. See Wabasha County Republican platform, Wabasha Weekly Herald, Oct. 6, 1870, p. 1, c. 4; 20th senatorial district Republican platform, The Wells Atlas (Faribault Co.), Oct. 14, 1870, p. 1, c. 3.

348. Federal Union (Rochester), Sept. 17, 1870, p. 1, c. 3.

the platform.<sup>349</sup> This may have been done to gain votes for their congressional candidate, Mr. Buck, in frontier counties where the people were still clamoring for railroads and favorable railroad legislation.

The Olmsted county Democratic convention, which met at Rochester, September 10, had shown itself more militant. A call had been issued to "all men, irrespective of past party associations, who are in favor of taking the robbers by the throat."<sup>350</sup> While nominally a Democratic convention, it was in reality a joint convention of Democrats, anti-monopolists, and "anti-tariffites." It was here resolved that the state legislature had the power and ought to fix the maximum rate of charges on all transportation lines in the state, and to regulate and control the consolidation of transportation companies. They agreed not to support any man for office who would not pledge himself to work faithfully for these principles and to bring about at once "such legislation as will protect farmers, merchants, tradesmen, and all other citizens of the state, from a repetition of intolerable and heartless swindles like those that have been and are now being perpetrated upon them by the management of the Winona and St. Peter railroad."<sup>351</sup> All the candidates nominated in this convention, excepting one, were farmers, men who had "consistently opposed monopolies and protective tariffs for years."<sup>352</sup>

On September 12 a call was issued for an indignation meeting against the abuses of the Winona and St. Peter railroad company, and for considering the "propriety of contesting the legality of the present rates of tariffs in freights or securing some other relief from the oppression."<sup>353</sup> The meeting was to be held at Rochester, September 16. This call was signed by thirty-seven men, of whom only six were Democrats. The Democrats felt aggrieved at this, and decided to capture the meeting.<sup>354</sup> They thought it a device of the managers of the

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349. Rochester Post, Nov. 5, 1870, p. 2, c. 3; for platform see also Federal Union, Sept. 24, 1870, p. 4, c. 3; St. Paul Daily Pioneer, Sept. 16, p. 4, c. 2; and Sept. 17, p. 1, c. 2.

350. Federal Union (Rochester), Sept. 17, 1870, p. 4, c. 3-7.

351. Ibid., Sept. 17, 1870, p. 1, c. 4.

352. Ibid.

353. Ibid., Sept. 24, 1870, p. 4, c. 4.

354. Ibid., Sept. 24, 1870, p. 1, c. 3.

Republican party for making political capital out of the anti-railroad sentiment of the community.<sup>355</sup> When the Republicans found the Democrats ready to join them they held back. A Democrat was elected chairman and another secretary. The committee of five on resolutions was mainly Democratic. The resolutions offered and accepted at the meeting had been prepared beforehand by Mr. Jones, a Democratic candidate for state representative. These resolutions denounced the wheat rings and the excessive transportation charges, and demanded redress by the railroad company and the enactment of state laws to afford the people ample protection in the future.<sup>356</sup>

Little or nothing came of this indignation meeting. One member of the committee appointed to report to the railroad company believed that the company had been punished enough already, and feared that the stirring up of popular feeling would lead to the destruction of property if not of life.<sup>357</sup>

A dispute arose as to which party was entitled to credit for leadership in the anti-railroad crusade. The Democrats blamed the Republican party for the existence of the vexing problem, it having been in power continuously for ten years. The Republicans in turn pointed to the first congressional district platforms, in which they were openly pledged to railroad control, while the Democrats were not.<sup>358</sup> They could also refer back to territorial days, when Democratic legislatures had granted the charters on which the railroad companies based their rights to manage their business in their own way without state interference.

In the first congressional district the anti-railroad sentiment ran high, but in the second it was not so marked. There the tariff question was of greater interest. For a long time it seemed as though the Republicans would be hopelessly divided, but when they finally met in convention in St. Paul, September 1, they agreed on a platform in which they, like the first district Republicans, endorsed President Grant and Con-

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355. Rochester Post, Sept. 24, 1870, p. 3, c. 4.

356. Federal Union, Sept. 24, 1870, p. 4, c. 4.

357. Ibid., Dec. 10, 1870, p. 1, c. 3.

358. See Address of the Rep. Congressional Committee to the voters of the First District, St. Charles Herald, Oct. 21, 1870, p. 2, c. 1-3.

gress, and pledged themselves to the "sound and incontrovertible doctrine of tariff for revenue only."<sup>359</sup> The platform does not mention the railroads at all, save to commend the Northern Pacific and to recommend liberal national aid in its favor. General John T. Averill was nominated for Congress.

Many Republicans of the second district were dissatisfied with the results of the convention, being pleased with neither candidate nor platform. Consequently a number of them, twenty-five hundred according to the *St. Paul Pioneer*, joined in signing a petition requesting Ignatius Donnelly to run as an independent candidate on a low tariff, labor and economy platform.<sup>360</sup> The Democratic district convention, which met in St. Paul, September 15, endorsed his candidacy and platform.<sup>361</sup> No definite stand was taken on the railroad question.

In the November election the Republicans elected both congressmen, though by a reduced majority, and made gains in the lower house of the state legislature. They elected thirty-three representatives, the Democrats twelve, and two were elected on independent tickets. The preceding House had contained twenty-eight Republicans and nineteen Democrats. The 1871 Senate, however, would contain twelve Republicans, eight Democrats, and two Independents, as against fourteen Republicans and eight Democrats in 1870.<sup>362</sup>

The Federal Union of Rochester announced the results of the election under the following headlines: "The People Victorious! Monopolists Sentenced! Our Railroads must be managed in the interests of the Whole People, instead of being run to enrich Wheat Rings and other Speculators. The People have spoken! Their will must be obeyed! Death to all who dare betray them."<sup>363</sup> In that part of the state two anti-monopoly parties had been in the field, and the results of the election in many cases merely determined what men were to be permitted to carry out almost identical anti-monopoly pledges.

359. *Minneapolis Daily Tribune*, Sept. 2, 1870, p. 1, c. 1; platform, p. 2, c. 2 and 3.

360. *St. Paul Daily Pioneer*, Sept. 14, 1870, p. 1, c. 2.

361. *Ibid.*, Sept. 16, 1870, p. 1, c. 1, and p. 4, c. 2.

362. *Minneapolis Daily Tribune*, Nov. 12, 1870, p. 1, c. 3.

363. *Federal Union*, Nov. 12, 1870, p. 1, c. 3.



Popular interest in the railroad issue did not subside with the election. On November 12 the Federal Union issued a call for a convention: "To the people of the first congressional district, to those who are being fleeced annually by the extortions of the railroad monopolists and rings of speculators, to those who are willing to do their duty as citizens by lending their assistance and influence in honorable and proper efforts to procure the repeal of such legislation as is prejudicial to the public interests, and the enactment of such laws as will protect the people against the extortion of railroad companies and all other monopolies, including wheat rings."<sup>364</sup> The convention was to be held in Rochester, December 1. The people of the second congressional district were urged to hold a similar convention, and to co-operate in bringing to bear upon the state legislators "a force they cannot resist, and which will strengthen them in their efforts to carry out the objects we have in view."<sup>365</sup> Editors "without regard to partisan proclivities" were called upon to help advance the movement. State senator-elect Hodge (Dem.) issued a fiery appeal to the people of Olmsted county: "\* \* \* and now, without distinction of party, let us organize our forces for the contest. A call has been made to meet in convention \* \* \* for the purpose of taking counsel together and of devising ways and means whereby we may effectually, thoroughly and forever emancipate ourselves from a system of railway extortions that have become too galling and oppressive for a free people to endure."<sup>366</sup>

At this convention the committee on resolutions presented the following grievances:

1. Railroad charges were exorbitant, and places were discriminated against. They showed that the Winona and St. Peter railroad company made the following charges for the transportation of wheat:

|                                         |                  |
|-----------------------------------------|------------------|
| From Eyota to Winona, 38 miles.....     | 15c. per bushel. |
| From Rochester to Winona, 45 miles..... | 15c. per bushel. |
| From Kasson to Winona, 58 miles.....    | 17c. per bushel. |
| From Owatonna to Winona, 92 miles.....  | 10c. per bushel. |
| From Mankato to Winona, 150 miles.....  | 13c. per bushel. |

<sup>364</sup> Ibid., p. 1, c. 7.

<sup>365</sup> Ibid., p. 1, c. 7.

<sup>366</sup> Ibid., Nov. 19, 1870, p. 4, c. 5; Letter dated Nov. 15, 1870.



They contended that if the rates from the two latter places to Winona were reasonable, the other rates must be exorbitant. They believed that the transportation charges should be reduced from twenty to fifty per cent or more.

2. The Winona and St. Peter railroad company discriminated in favor of certain associations or "rings," to the ruin of local business men.

3. The railroad company had assumed authority to grade the grain and had permitted its employees to favor its "ring" patrons.

The convention passed resolutions calling for reasonable rates with no discrimination, and for a satisfactory elevator system not owned or controlled by the railroads. A committee of seven was constituted a permanent executive committee. A memorial to the state legislature was drawn up, urging the enactment of laws (1) compelling the railroads of the state to carry freight and passengers at fair, equitable, and reasonable rates; (2) to make unfair or partial discriminations by means of lower rates, drawbacks or rebates, criminal offences; (3) to forbid the railroad companies to own or operate elevators or to purchase grain for speculation.<sup>367</sup>

The farmers had at first been anxious to get elevators and warehouses on almost any terms. With a fluctuating market the storing of grain might not always prove profitable, and besides it was perhaps only a question of time when the farmers would build granaries and store their own grain.<sup>368</sup> In order to meet the demands of the farmers, the railroad companies frequently made arrangements with certain persons or companies, who furnished facilities for receiving and storing grain and were given a certain "toll" on every bushel shipped at their station, or in other cases rebates, large enough to cover market fluctuations and ward off competition.<sup>369</sup>

To pay such tolls or rebates and still get a good price for transporting the grain, the railroad companies were practically

367. *Ibid.*, Dec. 3, 1870, p. 1, c. 4-8; Proceedings of the Anti-Monopoly convention.

368. Stickney, *The Railway Problem*, p. 22.

369. For contracts of this kind see Report of the Senate Committee to investigate the elevator monopoly on the St. Paul and Pacific in 1874, *St. Paul Dispatch*, Feb. 14, 1874. See also *Rochester Post*, Feb. 11, 1871.

forced to make the regular rates quite high. These high transportation charges tended to lower the prices of farm products, and the farmers soon began to denounce the "wheat ring" in no uncertain terms.<sup>370</sup>

The farmer fared little better when the elevators were owned and operated by the railroad companies. The farmer then felt himself at their mercy, both as to grading and transportation charges, and independent buyers were as effectually barred out as under the other system. The Winona and St. Peter railroad company in the summer of 1870 forced the farmers at Rochester to sell their wheat stored in the company's elevators at what was generally considered an unfavorable price. Under the pretext of having to rebuild and repair the elevators in Rochester, the company set a date at which the grain must be sold, or twelve cents a bushel per month storage, without responsibility for safekeeping, would be charged.<sup>371</sup>

The railroad companies also frequently gave a monopoly of the wood and coal supply in towns and cities to certain favored individuals or corporations. While this originally may have been intended to simplify a crude industry and to give better service to the consumer, the system soon proved oppressive and aroused the antagonism of many town people, enlisting their sympathies with the farmer. At times those who enjoyed these monopoly rights in hauling grain and fuel—in common parlance, the "rings"—became so powerful that instead of continuing to receive rebates as a favor, they practically controlled the railroads and fixed their own rates by playing off one railroad against another.<sup>372</sup>

The executive committee provided for in the Rochester convention, December 1, issued a call for a state convention to be held in St. Paul the first week of the following January. This convention did not prove a success. Farmers in different parts of the state had called meetings to elect delegates,<sup>373</sup> but there seemed to be a general suspicion, based on certain develop-

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370. Stickney, *The Railway Problem*, p. 22.

371. *Federal Union*, Sept. 24, 1870, p. 1, c. 3.

372. Stickney, *The Railway Problem*, p. 23.

373. *St. Paul Daily Dispatch*, Dec. 27, 1870, p. 1, c. 1, quoting Mankato Union.

ments at the Rochester convention, that certain played-out politicians were trying to mount the reform wave and get back into political power.<sup>374</sup> The regular Republicans opposed the convention strongly, and the Republican press gave it little or no support. Both Republicans and Democrats regarded it as a scheme for organizing a new independent Anti-Monopoly party.<sup>375</sup>

The first session was adjourned to the following evening without any action or speeches, because of the small number present.<sup>376</sup> At the regular session Mr. Donnelly made the principal address. He complimented Governor Austin on the fearless way in which he handled the railroads, but expressed lack of confidence in the legislature which had just convened. He did not believe that it would do anything to "relieve the people of the master monopoly that was closing its monster meshes around them."<sup>377</sup>

The convention adopted a series of anti-railroad resolutions, and authorized its president to appoint a committee of seven to call future conventions and to urge further organization throughout the state.<sup>378</sup> This plan, which would inevitably have led to the organization of a new political party within the state, met with no popular favor and was for the time being abandoned.

## CHAPTER X.

### RESTRICTIVE RAILROAD LEGISLATION IN 1871.

When the legislature met in January, 1871, the people of the state began to look with keen interest for the fulfillment of campaign pledges. "We wonder," said the St. Paul Dispatch, "whether the blandishment of railroads, operating in the shape of passes, upon the members of the present legislature, will lead them to forget their first love, and the promises made the people during the late campaign. We shall look

374. *Ibid.*, Jan. 5, 1871, p. 1, c. 1.

375. *Federal Union*, Jan. 7, 1871, p. 1, c. 4; *St. Paul Daily Dispatch*, Jan. 5, 1871, p. 1, c. 1; Jan. 6, p. 1, c. 1.

376. *St. Paul Daily Dispatch*, Jan. 5, 1871, p. 1, c. 1.

377. *Ibid.*, Jan. 6, 1871, p. 4, c. 1 and 2.

378. *Ibid.*, p. 4, c. 2.

with anxiety for a notice of the fact that the honorable member from———has introduced a bill regulating the rate of charges by railroad companies for passage and transportation.<sup>379</sup>

Governor Austin in his message to the legislature again took up the railroad question and discussed it at length.<sup>380</sup> Since his inaugural address his ideas concerning railroad regulation had become more definite. After further investigation he had come to the conclusion that the system of freight tariffs and elevator charges practised by some of the railroads was unjustifiable, extortionate and oppressive to the last degree. They destroyed wholesome competition (1) by their discrimination in favor of particular markets and lines of transportation, against private warehouses and buyers and shippers not in the "ring;" (2) by drawbacks and rebates, which enabled the favored speculator to manipulate to market to the injury of both consumer and producer; (3) by the establishment of arbitrary grades of grain and classes of freight.<sup>381</sup>

To remedy these evils the governor recommended that the following measures be adopted by constitutional enactment and appropriate legislation:<sup>382</sup>

1. All existing special railroad charters not in operation within a specified time were to be declared void.<sup>383</sup>

2. Every railroad company doing business within the state to maintain an office in the state, where certain records were to be kept for public inspection.<sup>384</sup>

3. No parallel or competing lines of railroad to be permitted to consolidate.<sup>385</sup>

4. All railroads to be declared public highways free to all for transportation under regulations prescribed by law, including maximum reasonable charges.<sup>386</sup>

5. No stocks or bonds to be issued except for money, labor,

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379. St. Paul Daily Dispatch, Jan. 9, 1871.

380. Minn. Exec. Docs., 1870, Governor's Message, pp. 38-55.

381. *Ibid.*, p. 39.

382. *Ibid.*, pp. 53-55.

383. Cf. Const. of Ill. (adopted in convention May 13, 1870), Art. XI, sec. 2.

384. *Ibid.*, sec. 9.

385. *Ibid.*, sec. 11.

386. *Ibid.*, sec. 12.

or property actually received and applied to the purpose for which the corporation was created; all fictitious increase of capital stock or indebtedness void.<sup>387</sup>

6. The state's right of eminent domain to apply to railroad property and franchises in the same way as to other property.<sup>388</sup>

7. Laws for the correction of abuses and the prevention of unjust discrimination and extortion to be enforced by adequate penalties, involving, if necessary, forfeiture of property and franchises.<sup>389</sup> Public warehouses were also to be defined and similar provisions applied to them.<sup>390</sup>

These seven propositions were taken almost verbatim from the constitution of Illinois adopted May 13, 1870.

Among the legislators many were "breathing dire threatenings" against the railroads. One of the leading newspapers of the time says: "Almost every other member has a bill or resolution or scheme to launch upon the subject, and it promises to be one of the leading topics this winter."<sup>391</sup> The Rochester Board of Trade presented to the legislature a memorial relating to alleged extortionate freight charges of the Winona and St. Peter railroad company.<sup>392</sup> Two thousand citizens of Olmsted, Winona and Fillmore counties petitioned for the enactment of a law compelling the railroad companies of the state to carry freight and passengers at equitable and reasonable rates.<sup>393</sup>

The anti-monopoly element was strong within the legislature, and strong pressure was brought to bear from the outside. But it is quite apparent that the railroad interests were not without representation and influence. A bill which provided for the apportionment of the internal improvement lands of the state among the different railroad companies was skillfully engineered through both houses of the legislature, meeting practically no opposition. This "Land Grab" bill failed

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387. *Ibid.*, sec. 13.

388. *Ibid.*, sec. 14.

389. *Ibid.*, sec. 15.

390. *Ibid.*, Art. XIII; Warehouses.

391. *St. Paul Daily Dispatch*, Jan. 18, 1871, p. 2, c. 1.

392. *House Journal*, 1871, p. 52.

393. *Ibid.*, p. 52.



to become a law only because of the governor's veto and his unsparing exposure of its questionable character.<sup>394</sup>

Early in the session the Hastings and Dakota railroad company applied for an extension of time for the completion of its road and soon found itself in hot water.<sup>395</sup> It was charged that the large stockholders had gobbled up the smaller ones and issued to themselves preferred stock which rendered utterly worthless the common stock held by the original Hastings stockholders.<sup>396</sup> The city of Hastings had given a liberal bonus to the railroad company, but found itself discriminated against. Shakopee also was in arms. The legislature had required the company to run its line of road through Shakopee; but as there was a township as well as a city named Shakopee, the railroad company insisted that it could satisfy the legal requirements by passing through Shakopee township. Senator MacDonald, however, managed to introduce and rush through both houses of the legislature a bill changing the name of Shakopee township to Jackson.<sup>397</sup> It was believed that this measure would compel the company to pass its line through the city of Shakopee.

The railroad company found it expedient to make concessions. Arrangements were made whereby its old stock was placed upon an equality with the new preferred stock. Practically all opposition now vanished, and a bill was passed granting the desired time extension.<sup>398</sup>

In the later sixties a number of railroad enactments had reserved to the legislature the "right to regulate the price of freight and fare." When a similar provision was inserted in a proposed amendment to the Minnesota Western charter, it was violently attacked by some of the anti-monopolists. Mr. Jones of Olmsted county strongly insisted that this right existed independently of such express provision, and contended that if inserted it would virtually concede that the right depended on its insertion and would thus place the friends of

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394. See foregoing Chapter IV, p. 42.

395. St. Paul Daily Dispatch, Jan. 24, 1871, p. 1, c. 2.

396. Ibid., Jan. 20, 1871, p. 4, c. 1.

397. Ibid., Jan. 24, 1871, p. 1, c. 2; Special Laws, 1871, ch. 91, p. 395.

398. Special Laws, ch. 63.

legislative control in a false light.<sup>399</sup> The provision was finally omitted.<sup>400</sup> Formerly it had been regarded as a safeguard of the rights of the people, but in this session it was characterized as stale, flat and unprofitable, ancient and worn out.

But, strangely enough, the legislature made use of another provision to secure reasonable rates and service without discrimination. A number of enactments gave certain railroad companies special privileges or grants on the express condition that proper connections should be made at points of intersection with other railroads, and that freight should be received at such junctions and transported at rates not exceeding the lowest rates charged on any portion of their lines for corresponding distances, and not to exceed the lowest average rate of the railroads of the state for similar distances; cars of connecting railroads were to be transported at rates allowed by common usage for exchange of car service from time to time; no discrimination was to be made in favor of or against any locality, person, or connecting railroad.<sup>401</sup> One would have expected this legislature to pass a general law to this effect, rather than to revert to the old practice of attempted general legislation by uniform special enactments.

Formerly territorial charters had at times been revived and continued in an amended form, thus evading the general incorporation law. The legislature of 1871 passed a similar act, but it was promptly vetoed by the governor, who refused to sanction the revival of an old territorial charter <sup>402</sup> under which the incorporators could claim exemption from effective state control.<sup>403</sup>

Governor Austin was fearless in his use of the veto power, and proved himself faithful to his campaign pledges. Though the legislature might waver and pass laws under questionable influence, the people found that they could depend on their governor to do what he believed to be right.

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399. St. Paul Daily Dispatch, Feb. 1, 1871, p. 4, c. 5; practically so held later (1876) in *Winona and St. Peter Railroad Company vs. Blake*, 94 U. S., 180.

400. See *Special Laws*, 1871, ch. 71, p. 278.

401. *Special Laws of Minn.*, 1871, ch. 63, sec. 3; ch. 64, sec. 3; ch. 66, sec. 5; ch. 67, sec. 2; ch. 70, sec. 2; ch. 71, sec. 2.

402. That of No. 9, *Special Laws*, 1856, ch. 159.

403. St. Paul Daily Dispatch, March 7, 1871, p. 4, c. 6.

It was not until the legislature had been in session for some time that the Senate proposed a joint committee to investigate the alleged railroad abuses. By joint resolution this committee, to be composed of three members from the Senate and five from the House, was to investigate and report to the legislature then in session on the following points:

1. The amount and probable value of lands held by the railroads for other than railroad purposes.

2. The amount and probable value of all other real property so held.

3. The amount and probable value of all personal property so held.

4. The annual gross earnings and necessary operating expenses.

5. The rates charged for freight, passenger, and elevator service.

6. The number of acres sold or contracted to be sold, and the average price per acre.

7. The cost per mile of construction and maintenance of railroads.

8. Whether there is any discrimination against individuals or localities.

9. All other facts the committee may deem proper and necessary information for the legislature.

In making its investigations the committee was given full power to send for persons and papers.<sup>404</sup>

It was impossible for them to investigate and report on the whole field assigned them in so short a time; and so, contrary to the expectation of those who did not wish for any particular results, they devoted most of their time to hearing the testimony of those who claimed to have suffered wrongs, and instituted an investigation for their benefit. Six railroad companies were investigated.<sup>405</sup>

The testimony taken in regard to the Winona and St. Peter railroad company went to show that there were discriminations in favor of individuals and of certain points along the line, and

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404. St. Paul Daily Press, Feb. 16, 1871, p. 1, c. 1; Committee Report.

405. Namely, St. Paul and Pacific, Milwaukee and St. Paul, Lake Superior and Mississippi, St. Paul and Sioux City, Winona and St. Peter, and Southern Minnesota railroad companies.

that the management of its railroads was exasperating to the farmers and ruinous to independent wheat dealers. The "rings" were given special rebates. One member of such a "ring" testified that he was charged a net twelve cents per bushel when the regular rate was fifteen cents, but he tried to justify the system by claiming that he gave the farmers the benefit of the rebate. A miller and buyer likewise testified that the policy was injurious to the other buyers but was a benefit to the producers. The Winona and St. Peter railroad company owned most of the elevators along its lines.

Several witnesses were examined with reference to the St. Paul and Sioux City railroad company, but nothing was elicited to sustain any charges of discrimination in rates or of unfair management of its elevators. The company owned and controlled the elevators along its line and made no elevator charges.

On the St. Paul and Pacific the elevators were owned by individuals or corporations with whom the railroad company had special contracts, giving them exclusive rights and allowing them from two to three cents a bushel for handling the grain. This railroad company also carried wood much cheaper for parties with whom they had special contracts, which virtually prevented others from shipping wood over their lines. There were also complaints against the freight charges of this railroad company. One man testified that he found it cheaper to haul his flour from Minnetonka City to Minneapolis in winter than to ship it by rail. A merchant in Anoka testified that he hauled his goods from Minneapolis by team when purchased in considerable quantities.

The committee agreed with Governor Austin in regarding competition an insufficient remedy for railroad abuses. In the first place only points of intersection and places near by would be benefited, and secondly the "tendency toward consolidation and confederation is almost sure to bring lines built as competing under one management or an agreed uniform scale of rates, that extinguishes all competition and in the long run compels the people to expend in overcharges all and more than has been saved from cheap rates in times of the most active rivalry."



The committee called attention to the fact that there was no longer in any one state an independent railroad system. Minnesota farmers were vitally affected by the combination of New York and Pennsylvania railroads that had previously been competitors.<sup>406</sup> "It is clear," says the committee in its report, "that state lines have been obliterated by this process, that in very many instances the power which it is desired to control exists and operates beyond the jurisdiction of the state." The committee had realized this quite forcibly when they came to investigate the Minnesota Central, for they found that it had passed under the control of a Wisconsin corporation, and its officers were therefore beyond the limits of the state and not subject to their subpoena.

The committee had found a disposition among many to believe that the railroad problem could only be solved by the federal government in the exercise of its constitutional power to regulate commerce among the different states.<sup>407</sup> This had been proposed repeatedly in the preceding campaign, especially by speakers on the Republican stump.<sup>408</sup> The committee, however, regarded this as a source of relief which should not be sought until all other means were exhausted.

As a partial remedy for the grievances complained of, and, if possible, to prevent the recurrence of such grievances, the committee recommended that a railroad commissioner be appointed; and they reported favorably on a Senate bill providing for the appointment of such a commissioner and prescribing his duties. They further recommended the enactment of a law regulating the freight and passenger tariffs on all the railroads of the state. The report of the committee was laid before the senate February 15; and five thousand copies of the report, including all evidence and statistics gathered, were ordered printed for the use of the legislature.<sup>409</sup>

The St. Paul Daily Press comments on this report: "The

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406. St. Paul Dispatch, Dec. 22, 1870, p. 1, c. 4, and Dec. 29, 1870, p. 4, c. 5, tell of pools formed by Eastern trunk lines, after which rates on Western bound freights were raised ten per cent.

407. See Winona county Republican platform, St. Charles Herald, Oct. 21, 1870, p. 2, c. 1.

408. For instance, Mr. Stearns; Rochester Post, Nov. 5, 1870, p. 2, c. 3.

409. House Journal, 1871, p. 166.



report is rather a statement of facts, or rather of the testimony elicited by the investigation, than of conclusions founded upon evidence, which in fact formed no part of the duties of the committee.”<sup>410</sup> The Minneapolis Tribune did not consider the report worth the paper on which it was written, because too little time had been given for a thorough investigation, and expressed the hope that the legislature would not stultify itself by attempting to pass such a bill during the short remnant of that session, because both time and material were wanting and any hasty legislation on such an important and intricate matter would be sure to be many times worse than nothing.<sup>411</sup>

Many who sincerely favored a thorough-going reform realized the need of more time in which to grapple with the complicated problem. A number were in favor of appointing a temporary board of railroad commissioners to continue investigations and report their conclusions to the next legislature. Others, however, were anxious for immediate action. Their constituents were clamoring for legislation. To them this procrastination was a clear indication that their representatives were being won over by the “monopolists.” Said the Owatonna Journal: “Do those legislators who left the people brim full of virtuous indignation at these things, who went breathing out ‘threatenings and slaughter’ against the perpetrators of the wrongs they suffer, whose indignation has been turned to reconciliation and whose threatenings have been changed to gentle cooing of sucking doves, hope to come back to their constituents with honeyed words and ingeniously constructed lies, to palliate this offense of confidence violated, sacred trust betrayed and hope deferred, while aiding the riveting still tighter the chains and adding to the power by which they are held in bondage to these corporations which are sapping the life-blood of the people to enrich themselves?”<sup>412</sup>

The legislature finally passed an act creating the office of railroad commissioner.<sup>413</sup> This commissioner was authorized to investigate railroads and their operations, their pecuniary condition and financial management, and to report annually to

410. St. Paul Daily Press, Feb. 16, 1871, p. 1, c. 3.

411. Minneapolis Daily Tribune, Feb. 17, 1871, p. 1, c. 2.

412. Owatonna Journal, Feb. 9, 1871, p. 2, c. 1.

413. General Laws, 1871, ch. 22; approved Mch. 4, 1871.

the legislature. That the commissioner might be enabled to perform these duties, it was made a felony for officers of railroad companies to neglect sending in annual reports in such form and at such a time as the commissioner might prescribe. It was likewise made a felony for any one to wilfully obstruct, hinder and impede the commissioner in the performance of his duties. He was empowered to issue subpoenas, administer oaths and compel obedience in the same manner as would a court of law. All the books, papers and documents of railroad companies were to be open to his inspection.

This act can hardly be called a Granger law. The railroad commission or commissioner idea did not originate in the so-called Granger states. It had been adopted in a number of states for different purposes.

The general assembly in Rhode Island in 1839 passed an act to establish railroad commissioners.<sup>414</sup> According to the provisions of this act, the general assembly was to appoint a board of railroad commissioners consisting of not less than three members. It was the duty of this board upon complaint or otherwise to examine into the transactions and proceedings of any railroad corporation in order to secure to all citizens of the state the full and equal privileges of the transportation of persons and property at all times, that might be granted directly or indirectly by any such corporation to the citizens of other states, and "ratiably in proportion to the distance any such persons or property may be transported on any railroad as aforesaid." The board was given full power to send for persons and papers and to examine under oath. It was required to report as often as twice a year to the general assembly on such matters as public interest might require.

In 1844 New Hampshire passed "An act to render railroad corporations public in certain cases and constituting a board of Railroad Commissioners." This commission was authorized to investigate and report on the public utility of proposed railroads. Where expropriation rights were granted, the commission, in conjunction with the road commissioners in the

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414. Public Laws of Rhode Island, 1839-40, p. 1087; act of June 14, 1839.

different counties, would assess the damage done to private property.<sup>415</sup>

In 1853 the Connecticut legislature passed an act "to prevent injuries and the destruction of life upon railroads and railroad trains," which provided for an appointive railroad commission. This commission was given only investigating and advisory powers.<sup>416</sup>

Two years later New York established a board of three railroad commissioners to consist of the state engineer and surveyor, ex officio, one person to be selected by the stock and bondholders of all the railroads, and the third to be appointed by the governor. The board was authorized to report to the attorney general illegal acts and irregularities on the part of the railroad corporations. In their regular reports to the legislature, they were to suggest additional legislation to secure to the public greater safety and benefit in the use of the railroads.<sup>417</sup>

In 1858 Maine enacted a law "to secure the safety and convenience of travelers on railroads." An appointive railroad commission was established, whose main duty was to examine into the condition of the railroads, their rolling stock, speed of trains, time tables, rates, and connections.<sup>418</sup>

Ohio had all along been taking an advanced position in the line of railroad regulation. In 1867 the legislature of Ohio passed an act "to provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties."<sup>419</sup> The commissioner was authorized to investigate complaints and prosecute all violations of any of the laws relating to railways, to examine into the condition of railroads, and to order repairs when necessary. Detailed reports were required of the railroad companies, and the commissioner in turn was directed to report annually to the governor.

In 1869 Massachusetts established an appointive board of railroad commissioners to have general supervision of all railroads within the state. Their powers were in the main ad-

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415. Laws of N. H., Nov. session, 1844, ch. 128.

416. Public Laws of Conn., 1853, ch. 74.

417. Laws of N. Y., 1855, ch. 526.

418. Public Laws of Maine, 1858, ch. 36.

419. Laws of Ohio, vol. 64, 1867, p. 111.

visory.<sup>420</sup> Section twelve of the Minnesota act requiring the investigation of accidents resulting in personal injury or loss of life is verbatim like section fourteen of the Massachusetts law.

The law which evidently served as a model for the Minnesota act, however, was that passed by the legislature of Vermont in 1855,<sup>421</sup> most of it being verbatim the same. The chief differences are that in Vermont the railroad commissioner was to be appointed by the judges of the supreme court, while in Minnesota he was to be appointed by the governor. In both cases the salary was to be paid out of the state treasury, but in Vermont the salary and expenses were to be apportioned among the railroad companies in proportion to the expense incurred and the time spent on each. The penalties provided for in the Minnesota act are more stringent than those of its model.

The real Granger law of this session was passed shortly before adjournment,—the so-called Jones Railroad Bill.<sup>422</sup> This was an act to regulate the carrying of freight and passengers on all railroads in Minnesota, and it passed both Houses by a large majority. In the Senate only four voted against it.<sup>423</sup> By this act freight was classified, and maximum legal freight charges were fixed as follows:<sup>424</sup>

| CLASSES OF FREIGHT.                                                               | 20 miles or less.                                   | 20-50 miles.                     | 50-100 miles.        | Over 100 miles.       | Less than carload lots |
|-----------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------|----------------------|-----------------------|------------------------|
| 1. All kinds of grain, potatoes, flour, meal, beef, pork, and meats of all kinds. | 6c per ton mile, car load lots.                     | 5c per ton per mile.             | 4c per ton per mile. | 3½c per ton per mile. | 20% more.              |
| 2. Sawed timber, lumber, lath, shingles, coal, and salt.                          | \$10 per car load of 20,000 lbs.                    | 18c extra per car load per mile. | 13c extra.           | 11c extra.            | 20% more.              |
| 3. Dry goods and other mdse., usually called first class.                         | 25% more than Class 1.                              |                                  |                      |                       |                        |
| 4. Sugar in barrels and fourth class freight.                                     | Same rates as Class 1.                              |                                  |                      |                       |                        |
| 5. Wood, less than 35 miles,                                                      | \$9.00 per car load of not less than 6 cords.       |                                  |                      |                       |                        |
|                                                                                   | 35-60 miles, 18c extra per car load per mile.       |                                  |                      |                       |                        |
|                                                                                   | 60 miles and over, 13c extra per car load per mile. |                                  |                      |                       |                        |

The railroad companies were authorized to charge five cents

420. Laws of Mass., 1869, ch. 408.

421. Public Acts of Vermont, 1855, No. 26.

422. General Laws of Minn., 1871, ch. 24, approved March 6, 1871.

423. St. Paul Daily Pioneer, March 2, 1871, p. 1, c. 1.

424. General Laws of Minn., 1871, ch. 24, sec. 1, summarized and tabulated..

a mile for carrying passengers.<sup>425</sup> These charges for freight and passenger service were declared to be the maximum of reasonable rates.<sup>426</sup>

Under the general railroad incorporation law of 1858<sup>427</sup> and the General Statutes of 1866,<sup>428</sup> railroads were permitted to charge only a maximum of three cents a mile for passengers, and five cents per ton-mile for freight transported thirty miles or more. These provisions had been repealed in 1869, and railroads incorporated under the general law were permitted to charge such reasonable rates as might from time to time be fixed by the corporation or prescribed by law.<sup>429</sup>

All railroads in the state without exception were by the new law declared to be public highways, and therefore all persons had the right to service at reasonable rates.<sup>430</sup> No additional charges were allowed for handling, transferring or storing freight, excepting a reasonable storage charge on all freights kept for a longer period than two days after notice had been given the consignee.<sup>431</sup> When freight was carried over two or more lines, the rates were to be the same as would have been charged if the goods were carried over only one line.<sup>432</sup>

It was made the duty of all railroad companies in the state to receive all kinds of freight at any depot or station, whatever brought for transportation, and to provide suitable places for the reception and storage of such freight.<sup>433</sup> Equal facilities for shipment were to be furnished all shippers,<sup>434</sup> and all freight to be transported without discrimination within a reasonable time and in the order received.<sup>435</sup> No discrimination in favor of any warehouse or elevator was allowed,<sup>436</sup> and if freight were carried for any one at less than the maximum

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425. *Ibid.*, sec. 2.

426. *Ibid.*, sec. 9.

427. General Laws of Minn., 1858, ch. 70, sec. 12.

428. General Statutes of Minn., Revision, 1866, ch. 34, title I, sec. 35.

429. General Laws of Minn., 1869, ch. 78, secs. 2 and 3.

430. General Laws of Minn., 1871, ch. 24, sec. 8.

431. *Ibid.*, sec. 8.

432. *Ibid.*, sec. 6.

433. *Ibid.*, sec. 4.

434. *Ibid.*, sec. 4.

435. *Ibid.*, sec. 7.

436. *Ibid.*, sec. 4.



legal rates, the railroad company was obliged to transport freights of the same description for all other persons at the same reduced rates during the time such discrimination was in force.<sup>437</sup>

If any railroad company failed to comply with any of the requirements of this act, the aggrieved party was entitled to one thousand dollars damages to be recovered in civil action, the company paying the costs.<sup>438</sup> Besides this, demanding or receiving higher rates than the legal maximum rates was to be deemed a misuser of charter powers; and, on receiving proper evidence, the attorney general must proceed against the railroad company for the forfeiture of its charter and franchises, or for the collection of a fine not exceeding one thousand dollars for each violation of the provisions of the act, at the discretion of the court trying the case.<sup>439</sup>

The evident intent of the act was to prevent discrimination of all kinds against which the people had risen in revolt. If all railroads were public highways and all railroad companies common carriers, it followed as a corollary, in the minds of the legislators, that they had a legal right to prescribe rates for all. Disregarding the Dartmouth College decision, the legislature asserted its authority to determine what was the maximum of legal rates for all railroads, without making any distinction between those organized under special law and those incorporated under the general incorporation law. This is the radical departure from previous legislation, and it stamps the act under discussion as a Granger law.

We have already referred to the main provision concerning railroads embodied in the Illinois constitution of 1870. It had there been considered necessary, or at least expedient, to authorize the legislature to fix maximum legal rates for all railroads.<sup>440</sup> Michigan had in the same year amended its constitution<sup>441</sup> so as to give its legislature this power<sup>442</sup> and to

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437. *Ibid.*, sec. 7.

438. *Ibid.*, sec. 8.

439. *Ibid.*, sec. 9.

440. Const. of Ills. (1870), Art. XI, sec. 12.

441. Laws of Mich., 1870, Extra session, Joint Res. No. 1, proposed amends.

442. Const. of Mich., Art. 19A, Of Railroads, sec. 1.

prohibit the consolidation of parallel and competing lines.<sup>443</sup> Governor Austin, as we have seen, recommended "constitutional enactment and appropriate legislation" to the legislature of Minnesota, but this body was convinced of its powers to regulate railroad rates on common law principles, without express constitutional authority. In this respect it was more radical than the Grangers of Illinois and Michigan.

The people of Minnesota had failed in their attempt to legislate railroads into existence, and they likewise encountered difficulty in legislating them into submission. Under the circumstances, a law satisfactory to all parties would have been inconceivable. Before the passage of the Jones Railroad Bill, the *Owatonna Journal* characterized it as an incongruous, blundering affair, which looked very much as though some one other than a friend of real progress had figured in its construction.<sup>444</sup> On the other hand, the *Federal Union* (Rochester), another railroad reform paper, expressed confidence in the new law and considered its enactment the fulfilment of the pledge of the democracy of Olmsted county.<sup>445</sup> The *St. Paul Daily Pioneer* commented on the enactment of the new law in the following words: "The bill known as the Jones Railroad Bill to regulate the rates for carrying freight and passengers by railroads in this state went through the senate with a rush, only four senators having the nerve to vote against it."<sup>446</sup> As a rule, the newspapers of the state had very little to say about the new law.

In his first communication to the legislature, the railroad commissioner, A. J. Edgerton, reported that the railroads without exception had refused to comply with the law,<sup>447</sup> but contended that there could be no doubt that the legislation had been beneficial, because, directly or indirectly, it had caused a great reduction in the price of transportation.<sup>448</sup>

It was not long before a case was brought before the courts to test the constitutionality of the law. John D. Blake and

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443. *Ibid.*, sec. 2.

444. *Owatonna Journal*, March 2, 1871, p. 2, c. 2.

445. *Federal Union*, March 11, 1871, p. 5, c. 3.

446. *St. Paul Daily Pioneer*, March 2, 1871, p. 1, c. 1.

447. *Railroad Commissioner's Report*, 1871, p. 10.

448. *Ibid.*, p. 28.

others brought action against the Winona and St. Peter railroad company in the district court for Olmsted county, for refusal on the part of the defendant to deliver certain freight on tender of payment according to rates fixed by law. The court decided in favor of the defendant, holding that the legislature had no constitutional power to fix rates.<sup>449</sup>

The case was appealed to the state supreme court, which reversed the decision of the lower court, holding that the act of 1871 was valid, operative, and applicable to the defendant in this case. In the first place, the law did not impair the obligation of a contract with the defendant, for the state had never expressly granted to the defendant the right to charge any toll for freight or passengers carried over its road, and its right to demand compensation would depend upon the language of its charter, and not upon the rules of common law. The court, assuming that the right to take some toll existed by necessary implication, believed that this right could be exercised to its full extent under a law fixing a maximum rate. Secondly, the law in question was not a usurpation of judicial authority by the legislature, for while the legislature represents the sovereign as a party contracting with the defendant, it also, in the capacity of sole law-making power, acts for the sovereign in exercising the sovereign right of control over franchises in the hands of the subject.<sup>450</sup>

The railroad company appealed to the federal supreme court, and the case was numbered among the Granger cases.<sup>451</sup> This court did not base its decision on a strict construction of the charter rights of the company, as had the state supreme court; but, following the principles laid down in *Munn vs. Illinois*, held that state legislatures had the right under the constitution to regulate intra-state railroad rates, and to provide penalties for violations. This decision was rendered in 1876, some time after the Granger movement had subsided. The state had not pressed its claims against any of the other

449. See *Blake et al. vs. The Winona and St. Peter Railroad Company*, 19 Minn., 418, 419, and 420.

450. 19 Minn., 418, (October term, 1872); note pp. 428 and 429 in particular; see also *State vs. Railroad Company*, 19 Minn., 434; *Nation*, vol. 17, p. 266.

451. 94 U. S., 180; *Winona and St. Peter Railroad Company vs. Blake*.

railroads; and when the final verdict was given Minnesota had already changed her railroad laws twice since the enactment of the law of 1871, the constitutionality of which was upheld.

## CHAPTER XI.

### RAILROAD LEGISLATION IN 1872 AND 1873.

In his message to the legislature which met in January, 1872, Governor Austin characterized the law prescribing maximum legal freight and passenger rates as crude and ill-considered in many of its provisions, affording but little protection to the agricultural interests of the state. He recommended a careful revision. But notwithstanding its imperfections and the fact that the railroad companies had professed to disregard it, he felt convinced that it had, in no small degree, modified their charges and thus saved to the people no inconsiderable sum. He commended the work of the railroad commissioner very highly, and approved of his recommendations.<sup>452</sup>

The legislature of 1871, as we have seen, created the office of railroad commissioner, but it had neglected to make appropriations for his salary and necessary expenses. It was feared at the time by many friends of reform that the act might for this reason fail to become operative.<sup>453</sup> But General Edgerton, Governor Austin's appointee, immediately entered upon his duties and the following legislature made the expected appropriation<sup>454</sup> and provided him with a contingent fund for the year 1872.<sup>455</sup> The office was not to perish for want of funds.

The report of the railroad commissioner, made directly to the legislature as required by law, shows plainly that he realized the responsibility of his position, and that, while thoroughly in sympathy with the movement for railroad regulation, he wished to conduct his investigations impartially and reach conclusions supported by facts.

As to infringement of the laws, he reported, as we already

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452. Minn. Exec. Docs., 1871, vol. I, pp. 17 and 18.

453. Rochester Post, March 11, 1871, p. 2, c. 4.

454. General Laws of Minn., 1872, ch. 110. See Governor's Message, p. 18, Minn. Exec. Docs., 1871, vol. I.

455. General Laws of Minn., 1872, ch. 100.



have noted, that the railroads had all refused to conform to the maximum freight and passenger rates prescribed by the new railroad law, and that the attorney general had commenced action to test the validity of this form of legislation.<sup>456</sup>

He had not yet had time to make a thorough inspection of the different roads, as was contemplated by the law, but from what he had learned he could report that the different railroads were very generally improving the condition of their roads.<sup>457</sup>

In discussing land grants made to railroads, he takes up different companies and estimates the value of the land grants and the local aid rendered them.<sup>458</sup> He reaches the conclusion that the different railroads of the state had received from the public no less than fifty or sixty million dollars, which he regards as given in trust that the state may be developed and that its mineral, agricultural and other productions and manufactures may be transported to market on equal and reasonable terms.<sup>459</sup>

Great complaint had been made against the Winona and St. Peter railroad company for making unjust discriminations against certain places.<sup>460</sup> The commissioner entertained serious doubts as to the effectiveness of unregulated competition as a remedy for such abuses. He believed that fair and just rates from all places should be established by law. Then, whenever the railroads cut rates to break down competition, they would have to do so at their own expense and not at the expense of producers residing at a distance from the competitive points.<sup>461</sup> He was not prepared to subscribe to the radical position taken by certain members of the Illinois constitutional convention that the "right to regulate and prescribe the terms of the use of that which has been taken and is held for the public use" can never be irrevocably surrendered by the legislature to any board of directors, but he presented their arguments and admitted that they had much force.<sup>462</sup> He believed, however, that the time would soon come when the

456. Ry. Commissioner's Report, 1871, pp. 10 and 11.

457. Ibid., pp. 11 and 12.

458. Ibid., pp. 12-16.

459. Ibid., p. 39; see Const. of Minn., Art. X, sec. 4.

460. Ibid., p. 17.

461. Ibid., p. 20.

462. Ibid., pp. 32-36.



principle would be recognized that the public as well as the railroad corporations have "vested rights;" and that, if such unreasonable rates are charged, or such discriminations made, as would obstruct the necessary commerce, or paralyze the various industries of the state, it is as much the duty of the legislature to interfere and remove such unjust obstructions as it is the duty of a court to abate a nuisance.<sup>463</sup>

There was some doubt as to the power of the legislature to prescribe rates for all the railroads of the state until the courts had decided certain pending cases. But four of the principal railroads had charters which expressly provided that freight and passengers should be transported at reasonable rates. The commissioner believed that, if the legislature amended the charters of these roads and placed them under just and wholesome restrictions, of which there could be no doubt it had the power, the whole question would be settled; for, when these roads were compelled to adopt reasonable rates and cease unjust discriminations, the other roads would have to fall in line.<sup>464</sup>

Railroad lands were exempt from taxation until sold or contracted to be sold. In many counties the amount of land thus held by the railroads was very large, and consequently the burden of taxation fell heavily on the settlers and became the cause of much complaint and ill-feeling. The commissioner found that in a number of cases much railroad land had been contracted away, but on such terms that the title remained with the railroad company. These lands, therefore, were not listed for taxation. One company had sold its road-bed and equipments, but kept its land grant and claimed exemption from taxation. The commissioner recommended that every means should be used to make these lands subject to taxation as soon as contemplated by the laws exempting them.<sup>465</sup>

Railroad companies were to pay a certain annual tax or per centum of their gross earnings. In the past no direct provision had been made for an examination into the correctness of the returns sent in by the companies. The commissioner

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463. Ibid., pp. 39-40.

464. Ibid., pp. 36-37.

465. Ibid., pp. 21-25.

therefore recommended that the companies be required to send in monthly statements of their gross earnings, and that the commissioner should at least once a year make a personal investigation to ascertain the correctness of their returns.<sup>466</sup>

Since the authority of the legislature over special charter railroads had not yet been judicially determined, it was not to be expected that any important railroad legislation would be enacted during the session. Governor Austin had been nominated by acclamation as a candidate to succeed himself, and was re-elected by a large majority in November.<sup>467</sup> The Democrats, during the campaign, had denounced the Republican administration for its utter failure to enforce the laws of the state relating to corporations,<sup>468</sup> but the voters remained loyal to the party in power. The legislature was strongly Republican and the grangers remained in the ascendancy. Thirteen of the forty-one senators, and fifty-three of the one hundred and six representatives, are listed as farmers in the legislative handbook of 1872.<sup>469</sup>

Few general railroad laws were enacted during this session. The railroad commissioner was required to examine the books and accounts of the railroad companies at least once a year to ascertain the amount of gross earnings of each road. An act was passed to compel the railroads of the state to build and maintain proper cattle-guards and fences along their line.<sup>470</sup> Their failure to do this in the past had been a source of great annoyance and loss to the farmers, and a law to this effect had been strongly urged by the railroad commissioner in his report.<sup>471</sup>

But quite a number of special railroad laws were enacted. Three acts were passed giving companies the privilege of building branch lines, with provision for securing proper connections with intersecting roads and reasonable rates and services without discrimination.<sup>472</sup> These provisions were identical with

466. *Ibid.*, pp. 25-26.

467. *World Almanac*, 1872, p. 69: Austin, 46,415; Young, 31,441.

468. *St. Paul Daily Pioneer*, Sept. 14, 1871, p. 4, c. 2; Dem. party platform.

469. *Legislative Manual of the state of Minn.*, 1872, pp. 146-153.

470. *General Laws of Minn.*, 1872, ch. 26.

471. *Railroad Commissioner's Report*, 1871, pp. 16-17.

472. *Special Laws of Minn.*, 1872, chs. 96, 122, and 124.

those which we noted as inserted in a number of special acts by the legislature in the winter of 1871.<sup>473</sup>

Two other acts confer special legislative benefits on the express condition that the companies shall at all times carry freight and passengers at reasonable rates,<sup>474</sup> while a third makes it a condition that the railroad shall be subject to all laws of the state which are general in their nature.<sup>475</sup> An Iowa corporation was permitted to extend its line into the state on condition that it paid a three per cent gross income tax to the state and charged such reasonable rates for the transportation of passengers and freight within the state as might be fixed by the company or prescribed by general law.<sup>476</sup> The First Division of the St. Paul and Pacific was authorized to build a branch line on condition that it would carry freight and passengers on this branch at such reasonable rates as might from time to time be prescribed by law.<sup>477</sup>

These enactments show the determination of the legislature to bring the railroads operating with special charters under legislative control by special agreements, since there was some doubt as yet as to their amenability to the general law.

Two acts passed by this legislature very liberally left blank the maximum amount of common and preferred stock which might be issued in connection with branch lines.<sup>478</sup> What would seem to be another step backward in railroad legislation was the revival of two territorial charters. The charter of the St. Paul and St. Anthony railroad company<sup>479</sup> had been revived and amended for the St. Paul street railway company in 1868. This amended charter was now revived and further amended by the legislature in 1872.<sup>480</sup> The Winona and La Crosse railroad charter, granted in 1856,<sup>481</sup> was revived and continued for a new set of incorporators.<sup>482</sup> The new corpo-

473. *Ibid.*, 1871, chs. 63, 64, 66, 67, 70, and 71.

474. *Ibid.*, 1872, ch. 93, sec. 3; ch. 119, sec. 2.

475. *Ibid.*, ch. 100, sec. 2.

476. *Ibid.*, ch. 95, sec. 2.

477. *Ibid.*, ch. 120, sec. 1.

478. *Ibid.*, ch. 96, sec. 1; ch. 124, sec. 2.

479. *Session Laws of Minn.*, 1853, ch. 12.

480. *Special Laws of Minn.*, 1872, ch. 112.

481. *Session Laws of Minn.*, 1856, ch. 159.

482. *Special Laws of Minn.*, 1872, ch. 101.

ration was to carry freight and passengers over its road at just and reasonable rates.<sup>483</sup>

At this session an amendment to the constitution was proposed, providing that the legislature should not authorize any municipal corporation to aid a railroad to an amount exceeding ten per cent of the assessed value of the property within its boundaries.<sup>484</sup> This proposed amendment was ratified by popular vote in the November following.<sup>485</sup>

During the summer of 1872 the presidential campaign and national issues were of primary interest throughout the state. At this time there was in some states considerable disagreement in the Republican ranks with reference to the tariff, the civil service, and the administration reconstruction policies. In Missouri the dissenting element, or Liberal Republicans, gained control in January, 1872. They called a national convention which met in Cincinnati in May, nominated candidates for president and vice-president, and drew up a platform embodying their main tenets. The Democrats met in national convention in Baltimore, July 9, and adopted the Liberal Republican platform and candidates. By making this coalition they hoped to defeat the administration Republicans in November.

In Minnesota the defection within the Republican party was not particularly strong. The Republican state convention met May 8, and in its platform expressed its confidence in the national administration and heartily endorsed President Grant for a second term.<sup>486</sup> The three congressional district conventions followed suit.<sup>487</sup> In none of these platforms was any specific mention made of railroads. The St. Paul Dispatch was the only prominent Republican paper in Minnesota to espouse the Liberal Republican cause,<sup>488</sup> although their presidential candidate, Horace Greeley, had been quite popular in the state.

The opposition element in the state united as in the previ-

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483. *Ibid.*, ch. 101, sec. 9.

484. General Laws of Minn., 1872, ch. 13; Const. of Minn., Art. 9, sec. 14.

485. Railroad Commissioner's Report, 1872, p. 39.

486. St. Paul Daily Press, May 9, 1872, p. 4, c. 2-3.

487. *Ibid.*, July 12, 1872, p. 2, c. 3, First dist.; July 17, p. 4, c. 2, Second dist.; July 19, p. 4, c. 1, Third dist.

488. Smalley, *The History of the Republican Party*, p. 193.

ous campaign<sup>489</sup> and presented platforms denouncing the national and state administration and demanding reform. They caused quite a stir in many parts of the state but the administration Republicans came out victorious in the November election. Grant received 55,708 votes; Greeley, 35,211.<sup>490</sup> The Liberals were defeated by a large majority in all three congressional districts,<sup>491</sup> making a good showing in only a very few counties. In the state legislature the Republicans made gains over the preceding year, having thirty members to the opposition's eleven in the Senate, and seventy-eight to the opposition's twenty-eight in the House.<sup>492</sup> In the summer and fall of 1872 the papers had very little to say about railroad abuses. There seems to have been comparatively little agitation, yet we find that about as large a proportion of farmers were elected to the legislature as in 1871.<sup>493</sup>

The St. Paul and Pacific, Lake Superior and Mississippi and the Northern Pacific railroad had a Railroad Building at the State Fair in November, 1872, and gave an exhibit of what had been raised on lands lying within the limits of their land grants. A special committee appointed by the state agricultural society gave an eight column report of this exhibit in the Farmers' Union, and commended the railroads very highly on their liberality and enterprise in bringing to public notice the productiveness of their lands. In the opinion of this committee thousands of settlers would be attracted to the state, and hundreds of thousands of dollars be invested, as a direct result of this exhibition, which it was hoped would become one of the prominent features of future state fairs.<sup>494</sup>

When the legislature met in January, 1873, there seemed to be no measures of exciting interest demanding action.<sup>495</sup>

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489. St. Paul Daily Pioneer, June 16, 1872, p. 4, c. 1; July 11, p. 2, c. 1; July 20, p. 2, c. 1.

490. Smalley, op. cit., p. 194.

491. The Tribune Almanac and Political Register, 1873; First dist., 20,371 to 10,841; Second dist., 15,257 to 10,832; Third dist., 19,182 to 12,609.

492. The World Almanac, 1873, p. 42.

493. Legislative Manual of the State of Minn., 1873, pp. 166-171, 12 farmers in the Senate and 52 farmers in the House; St. Paul Daily Pioneer, Jan. 10, 1873, p. 4, c. 2.

494. Farmers' Union, Nov. 7, 1872, pp. 2-3.

495. St. Paul Daily Pioneer, Jan. 7, 1873, p. 2, c. 1.



The railroad cases were still pending, and it was generally understood that appeal would be made to the federal supreme court, if the railroads lost out in the state courts. Under the circumstances the prospects for immediate railroad reform were not promising.

The governor in his message informed the legislature that all the companies, local and non-resident, operating within the state, continued to disregard the maximum rate law.<sup>496</sup> As an intelligent basis for judicious legislation, he recommended the appointment of an able committee to make a searching and far reaching investigation.<sup>497</sup> He favored making conspiracy against trade, or the entering into a combination to prevent competition, an indictable offense punishable by fine and imprisonment; and in case directors or managing officers were convicted, such conviction should work the forfeiture of the franchises of the corporation.<sup>498</sup> In addition to necessary state legislation, he recommended that Congress be memorialized to exercise its constitutional prerogative to regulate commerce among the several states, and by an act embracing the entire system of the Union to accomplish what the several states by their discordant legislation, their deficient legislation, and their non-legislation, could never accomplish.<sup>499</sup> The governor recommended that Congress be further memorialized to aid in the construction of canals to give continuous water communication from the Mississippi river and its tributaries to the seaboard. He believed that this was fully as important to the people of the West as the correction of railroad abuses.<sup>500</sup> He urged the farmers especially to profit by the experience of the trades unions and the protective and co-operative societies of other trades and calling, and to organize for securing economic independence.<sup>501</sup>

The railroad commissioner in his report to the legislature gave a short summary of the origin and progress of each road

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496. St. Paul Daily Pioneer, Jan. 10, 1873, p. 2, c. 2; Minn. Exec. Docs., 1872, vol. 1, Governor's Message, p. 5.

497. Ibid., p. 8.

498. Ibid., p. 8.

499. Ibid., p. 8.

500. Ibid., p. 8.

501. Ibid., p. 10.

already constructed or in the process of construction.<sup>502</sup> He again called attention to the fact that much railroad land was escaping just taxation, and urged the legislature to take appropriate action.

As a remedy for discrimination against places he recommended the enactment of a pro rata law similar to that proposed by the Massachusetts Commissioners in their report for 1870.<sup>503</sup> The commissioner was convinced that discriminations, both against persons and localities, were opposed to the well-defined principles of common law, and claimed for the state an inalienable police power to prevent and restrain such infringement on the rights of the public.<sup>504</sup>

The commissioner reported in the main favorably on the physical condition of the roads, and was enthusiastic over their rapid extension throughout the state. He commended the practice of building railroads in advance of actual business needs, asserting that Minnesota was twenty-five years in advance of what she would have been if the "timidly conservative ideas of the past" had prevailed.<sup>505</sup>

If the legislature had carried out the recommendations of the governor and railroad commissioner, much of its time would have been occupied with important remedial railroad legislation: As it turned out, comparatively little was done.

An act was passed making the state treasurer collector of railroad taxes and providing more adequate means for their collection.<sup>506</sup> This act did not go as far as desired by the railroad commissioner. Any railroad company organized under the laws of Iowa was authorized to extend its lines into Minnesota, and, as to these extensions, was to possess all the powers, franchises, and privileges, and be subject to the same liabilities, as railroad companies organized under the general laws of the state.

During this session a large number of counties, towns, cities and villages were authorized by special law to issue bonds to

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502. Railroad Commissioner's Report, 1872, pp. 5-22.

503. *Ibid.*, p. 45. See Railroad Commissioners' Report (Mass.), 1870, p. cx. The Mass. Commissioners in turn copied the Mich. law of 1869, No. 109, sec. 17, cl. 9.

504. Railroad Commissioner's Report, 1872, p. 46.

505. *Ibid.*, p. 50.

• 506. General Laws of Minn., 1873, ch. 114.

aid in railroad construction.<sup>507</sup> An act was passed which on the face of it would seem to amount to partial repudiation. The city of Hastings was authorized to adjust and compromise its outstanding bonded railway indebtedness at a rate not to exceed fifty cents on the dollar, new bonds to replace the old.<sup>508</sup>

As in 1872, attempts were made to bargain with railroad companies as to rates through special legislation. The Milwaukee and St. Paul railroad company was authorized to build a bridge across the Mississippi river from La Crosse on condition that it would carry freight and passengers on equal and reasonable terms;<sup>509</sup> and on this same condition the legislature extended the time for the completion of certain branch lines of the St. Paul and Pacific railroad company.<sup>510</sup> Many grangers throughout the state must have thought this provision rather superfluous.

## CHAPTER XII.

### THE GRANGER MOVEMENT IN 1873.

In the winter of 1873 the agitation against railroad abuses was resumed, and before long it surpassed in intensity the railroad war of 1870. In this renewed contest the grangers of the Order of Patrons of Husbandry figured prominently. The farmers had learned to recognize the need of efficient organization, and as the purposes of the grange were frequently interpreted to meet the particular needs of different localities and the grange everywhere was proclaimed the farmer's best means of self-protection against all oppression, granges began to spring up on all sides. Soon many unauthorized organizers were in the field, making the best of the movement for their personal interests, political or financial, and the Worthy Master of the National Grange found it necessary to give notice to the effect that no dispensations would be issued in Minnesota on the application of any person except deputies appointed by the Master of the State Grange.<sup>511</sup>

507. Special Laws of Minn., 1873, chs. 152, 153, and 156-166.

508. Ibid., ch. 151.

509. Ibid., ch. 106.

510. Ibid., ch. 107.

511. Farmers' Union, March 29, 1873, p. 102, c. 3; notice dated Washington, D. C., March 18, 1873.

The constitution of the Order forbade the discussion of political questions in the meetings of its granges. But how could a constitutional provision prevent the discussion of railroads, monopolies, middlemen, and the tariff, when the members of the grange had in many cases united for the express purpose of discussing these questions and planning concerted action? And even if such discussion had no recognized place in the grange meeting proper, there was nothing to prevent an informal discussion before or after the regular program. At this time these questions were uppermost in the minds of the people everywhere.

The Minnesota State Grange held a large and enthusiastic meeting at Lake City in February.<sup>512</sup> In his address to the State Grange the Lecturer, Mr. D. C. Cummins, proclaimed as the highest ambition of the Order the elevation of the "family of husbandmen from their present ignoble position to that exalted station in society and government which the contemplation and imitation of nature's works, associated with intelligence, is calculated to do."<sup>513</sup> It is difficult to see how the Order could accomplish such purposes without taking part in the political activities of the day.

There seems to have been no ban placed on the discussion of the railroad problem at this meeting. The Grange even went so far as to pass the following resolution:

Resolved, That the Secretary of the State Grange request our representatives in the legislature of the present session to use their influence to pass a bill in effect to appropriate a sum of money sufficient to employ the necessary legal council to test the validity of the present law on our statutes, defining the charges of railroads for freight and passenger tariffs over their respective roads.<sup>514</sup>

By this resolution the Grange officially showed its interest in existing reform laws. It was not inclined, however, to propose definite plans for further reform.

During the months of March, April, May and June, Ignatius Donnelly made a series of addresses before the granges in Dakota, Rice, Goodhue, Fillmore, Mower, Olmsted, Winona and Washington counties. These addresses were on live ques-

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512. Farmers' Union, March 1, 1873, p. 67, c. 4.

513. Ibid., May 3, 1873, p. 140, c. 4.

514. Ibid., March 15, 1873, p. 83, c. 5.



tions of the day, such as "The necessity for co-operation among farmers; Patent laws against them; Railroad legislation against them; The robberies of high tariff against them; The evil of paper currency against them; Their remedies: Cheap transportation, ship canals, specie payment, and low tariff." Extracts from his speeches were published in pamphlet form and widely circulated.<sup>515</sup> Mr. Donnelly was very popular as a speaker, and by his brilliant wit and his spontaneous eloquence he could hold the attention and win the applause of an audience on any subject, whether they were convinced by his arguments or not.

Mr. Donnelly gave the Patrons credit for having revolutionized the interpretation of the laws concerning railroads in bringing them under the control of the state legislature. To him the Order of Patrons of Husbandry meant reform, revolution; it was the fulcrum Archimedes wished, from which to move the world. He believed it to be "the foundation of an universal party, the party of the people—the party of the farmers of the West, the planters of the South, and the poor men of the whole nation \* \* \* \* it will name the next President of the United States!"<sup>516</sup> It is very probable that Mr. Donnelly was far more interested in the foundation of such a new political party than he was in the Order itself. He was mainly interested in the Order as a means to this end.

In the "P. of H." column of the Farmers' Union, May 10, 1873, appeared some fiery "declarations of principles and rights." A series of resolutions had been adopted at Fari-bault which were endorsed as the "true ringing declaration of a determined class of men to change the order of railroad government and extortion." These resolutions demanded immediate legislation, state and national, to protect labor against the encroachment of capital, to prohibit the consolidation of parallel railroad lines, to fix the maximum of railroad charges, and to prevent unjust and oppressive discrimination between local and through freight. They maintained that the inherent power of the people over the railroads had never been for-

515. I. Donnelly, *Facts for the Granges* (21 pages). The subjects of his speeches cited above are those given on the title page of this pamphlet.

516. *Ibid.*, p. 10.



feited, and protested against the subterfuges of the legislature in avoiding the enactment of necessary laws. The farming community was described as being in an embarrassed and prostrated condition, and a general bankruptcy of the farmers of the state was declared inevitable if the law-making powers did not come to their aid in this great emergency.<sup>517</sup>

A lively discussion arose among the grangers of the state as to what discussions were political and therefore barred from the granges. One Patron in a letter to the Farmers' Union, the official organ of the State Grange, calls the outcry against the grangers' dabbling in politics senseless, and contends that it is the "imperative duty of the friends of morality and good government to combine their influence in the maintenance of pure political action." He says further: "The Order of P. of H. has undertaken one of the greatest moral reforms that ever blessed an oppressed people, and they are fully competent to complete the task so well begun. Party ties should no longer be heeded, unless parties present men for the suffrage who are known to be paramountly favorable to the agricultural and other industrial interests of the country."<sup>518</sup>

Another Patron says: "Let us throw politics away and elect good, honest, intelligent farmers for every office in the State except our legislature. Some might think we were a little piggish if we wanted that body composed wholly of farmers. \* \* \* Patrons, this is a point worth looking after. Let us think of it at election time."<sup>519</sup> A little later this Patron writes: "Let us inform our next legislators that they shall have our votes with the understanding that they will work for the interests of the farmer and pass a law fixing reasonable rates of transportation and compelling railroad companies to carry our produce to market in reasonable time and be responsible for the safe delivery at any desired market; and they should be informed that if they break the contract and vote in favor of the railroad monopolies, they should be subject to the decision of Judge Lynch and close confine-

517. Farmers' Union, May 10, 1873, p. 148, c. 1.

518. Ibid., May 3, 1873, p. 140, c. 1; Letter of Wm. Close.

519. Ibid., March 22, 1873, p. 93, c. 4; Letter of Geo. E. Hopkins.

ment under a white oak limb for a term of not less than five minutes nor more than fifteen."<sup>520</sup>

"Bro." J. S. Denman wrote: "And now, brothers, as election draws near and our town caucuses and county conventions are at hand, we must be up and doing. \* \* \* If we are going to bring about a reform in politics, every man in every town wants to attend the caucus and see that the right kind of men go to the county convention."<sup>521</sup>

The question occupying the minds of a great number of grangers was what action they should take in the coming campaign. They had common interests, and it seemed absurd for one to go to the polls and vote one ticket while his neighbor voted another.<sup>522</sup> The local grangers were hampered in giving formal expression to their political views by the constitutional provision already referred to. But in many counties there was a County Council composed of representatives from the different subordinate granges in the county. These Councils were extraneous to the constitutional plan of the Order, and were therefore not considered bound by the constitution as were the national, state, and subordinate granges. Mr. Donnelly and others for this reason urged the formation of County Councils in all counties and encouraged political discussion and political action by them.<sup>523</sup>

The Steele County Council of Patrons of Husbandry met at Owatonna in the first part of June, 1873, and after some discussion drew up a very vigorous set of resolutions. They agreed that the railroad companies must be radically reformed and controlled by the strong hand of law. The aid of every Patron and of every fair-minded man was invoked to secure legislation fixing maximum charges, preventing watered stock, and prohibiting the consolidation of competing lines. Railroads were to be compelled to assume all the duties of common carriers, and particularly to receive and transmit freight without discrimination or favoritism. They resolved finally, "That we recognize the fact that to secure and enforce these enact-

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520. *Ibid.*, May 10, 1873, p. 148, c. 2.

521. *Ibid.*, July 5, 1873, p. 211, c. 2.

522. *Ibid.*, June 21, 1873; Letter of Wm. N. Plymat, p. 197, c. 3.

523. Donnelly, *Facts for the Granges*, p. 19.

ments our votes must enforce our wishes and our action must be strongly political, though not partisan in its bearings.”<sup>524</sup>

Other County Councils met and adopted similar resolutions.<sup>525</sup>

Another plan frequently adopted by the Grangers to secure concerted political action was to call meetings of the members of the different subordinate granges in a county, who were to act “not as grangers but as citizens.”<sup>526</sup> Such a meeting was held in Brownsdale, Mower county, July 26, 1873. The grangers here issued a call for a county convention to organize a new political party and to issue a call for a state convention.<sup>527</sup> Mr. J. J. Hunt, Master of the Brownsdale Grange, presided, and Mr. Donnelly delivered the principal address.<sup>528</sup> The convention drew up a series of resolutions. They expressed a lack of confidence in both existing political parties, and condemned the present management of railroads whereby monopolies and rings secured special advantages. They considered it the duty of the attorney general to enforce the law of 1871, and demanded an amendment of this law so as to make its provisions more fair and equitable to the people. They called for a county convention of farmers and laborers to meet at Brownsdale, September 25, to nominate candidates for county offices. Finally an invitation was extended to all who agreed with them in these declarations of principles to meet in mass convention at Owatonna, September 2.<sup>529</sup>

The people throughout the state were thoroughly aroused, and many were beginning to believe with Mr. Donnelly that the time had come for the organization of a new political party to carry out the proposed reform. As in 1870, the Republican party aligned itself against “railroads and monopolies,” and appealed for the support of all who favored reform.<sup>530</sup> In its state convention held in St. Paul, July 16, they adopted in their

524. Farmers' Union, Jan. 28, 1873, p. 205, c. 2.

525. For instance, Le Sueur County Council, Oct. 7, Farmers' Union, Oct. 18, 1873, p. 333, c. 1; Olmsted County Council, Oct. 17, The Minn. Record (Rochester), Oct. 25, 1873.

526. Donnelly, Facts for the Granges, p. 19.

527. Ibid., p. 19; St. Paul Daily Pioneer, July 27, 1873, p. 1, c. 2.

528. Farmers' Union, Aug. 9, 1873, p. 252, c. 1-4. The address is given in Donnelly, Facts for the Granges.

529. Ibid., Aug. 9, 1873, p. 252, c. 4.

530. See Duluth Minnesotian, Nov. 1, 1873.

platform resolutions to the effect that no rights should be vested in railroad corporations beyond the control of future legislation, and that the legislature should attach such conditions to all new grants, and to amendments and extensions of old charters, as would place the rights of legislative control over such corporations beyond question. They pledged themselves in favor of the enactment of such laws as would limit to just and reasonable rates all tolls, tariffs, and charges of railroad and transportation companies.<sup>531</sup>

There was a hard fight in the convention between the old "Ramsey dynasty" and the "young Republicans" over the candidate for governor. Mr. Washburn, the Ramsey aspirant, had a strong political backing and was considered by many a worthy favorite; but, after a series of ballots, the choice fell on C. K. Davis, a St. Paul attorney, whose lecture on "Modern Feudalism" had made him popular with those who favored a more stringent corporation control. Mr. Davis was nominated on a very narrow margin, and was not very enthusiastically supported during the following campaign by some of the old party leaders; but as he had been a pioneer in the anti-monopoly movement, his nomination was quite generally looked upon by the people as an overthrow of the "politicians."<sup>532</sup>

It is not to be understood, however, that Mr. Washburn was opposed to reform. He had been actively interested in the enactment of the law of 1871, and in the campaign of 1873 he spoke strongly in favor of railroad regulation, state and national.<sup>533</sup> Throughout the state most of the Republican candidates pledged themselves to support the farmers' movement.

The Democrats co-operated with the new Anti-monopoly party during this campaign. They postponed holding their state convention till after the Owatonna Anti-monopoly convention, having made up their minds to support its candidates, provided they and the platform adopted were acceptable. They contended that the new movement was fully in accord

531. St. Paul Daily Press, July 17, 1873, p. 4, c. 2; Federal Union, July 25, 1873, p. 2, c. 4.

532. St. Paul Daily Dispatch, Oct. 11, 1873, p. 2, c. 1; St. Paul Daily Press, July 17, 1873, p. 1, c. 1; July 20, 1873, p. 2, c. 6, quotes nine papers endorsing Mr. Davis.

533. Farmers' Union, Nov. 1, 1873, p. 349; speech before Dodge County Agricultural Society, Sept. 26, 1873.



with Democratic principles and deserved Democratic support.<sup>534</sup>

Some subordinate granges had met and appointed delegates to the convention to be held in Owatonna, September 2, and other granges were considering what action to take, when State Master Geo. I. Parsons issued a notice giving it as his opinion that not only was such action unwise but also in direct violation of the fundamental law of the Order, and that it subjected the granges so doing to the danger of a revocation of their charters. He expressed profound regret and mortification at having witnessed a departure from the cherished principles of the Order.<sup>535</sup>

This move on the part of the State Master was perfectly consistent with the original aims of the Order and was heartily endorsed by many of the Patrons,<sup>536</sup> but it proved an effective check on organized political action by the granges, much to the chagrin of the Anti-monopolists. It was frequently interpreted as being in itself partisan, because it influenced so many to act through the regular Republican party organization who otherwise would have joined the new movement. Mr. Donnelly was unsparing in his criticism of State Master Parsons, who, he said, would vote for the devil himself if he were regularly nominated by the Republican party.<sup>537</sup>

But the anti-railroad agitation was by no means checked. It continued as lively as before among the grangers, and grangers had by this time come to mean all those who sympathized with the farmers' movement, whether they belonged to the Order of Patrons of Husbandry or not. As a matter of fact, in many localities most of the farmers did belong to granges. The regular agricultural societies of the time took no part in the movement. The hitherto numerous farmers' clubs and societies, other than granges, had nearly all suspended operation, or had been transformed bodily into granges. The grange was practically the only vital farmers' organization during this

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534. St. Paul Daily Pioneer, Sept. 2, 1873, p. 2, c. 1; St. Paul Daily Press, Aug. 19, 1873, p. 1, c. 1.

535. Farmers' Union, Aug. 16, 1873, p. 261, c. 2.

536. For example, North Star Grange (St. Paul) by unanimous resolution; Farmers' Union, Aug. 23, 1873, p. 269, c. 1.

537. See Anti-Monopolist, July 16, 1874.



period. Though the granges could take no active part in politics officially, yet they continued as before to afford a common meeting place where farmers could discuss more or less formally the questions in which they were so vitally interested and come to an informal understanding on issues and candidates.

The Owatonna convention was not so well attended as many had hoped for, although twenty-three counties were represented.<sup>538</sup> A long series of resolutions was drawn up and adopted, which was to serve as the platform of the new Anti-monopoly party. They pledged themselves to recognize no political party or candidate as worthy of support which did not declare that the government cannot alienate its sovereignty, either in whole or in part, to any person, association, or corporation, for any purpose whatever. They would support no candidate who objected to the exercise by the legislature of its power to reverse or annul at any time the chartered privilege, or "so-called vested right," when exercised by the corporation to the detriment of public welfare. They also condemned protective tariff, high official and congressional salaries, and "back pay." They condemned the wood and coal rings which monopolized the fuel supply in the cities. They favored free water communication with the ocean. They held that the state ought to bear the cost of suits against railroad companies, and commended the state supreme court on its decision in the case of *Blake vs. The Winona and St. Peter railroad company*. Farmers and laborers were advised to choose and elect their own candidates in the coming elections, independent of the action of all other political organizations.<sup>539</sup>

The convention nominated candidates for all state offices, and urged the minor political subdivisions of the state likewise to present complete tickets at the coming election.

During the campaign on the stump and through the press, the Republicans showed that the law of 1871 had been enacted by a Republican legislature and had been upheld by Republican judges. They claimed that they continued to support

538. St. Paul Daily Pioneer, Sept. 3, 1873, p. 1, c. 1.

539. Ibid., Sept. 3, 1873, p. 1, c. 2; Farmers' Union, Sept. 6, 1873, p. 285, c. 1-3. The resolutions are also given in full in Martin, *History of the Grange Movement*, p. 510.

the reform movement, and that they were pledged to further reform legislation. On the other hand, the Anti-monopolists insisted that the law of 1871 had never been enforced by the Republican officials, the railroads having disregarded it from the start. They contended that the pledges of the Republican platform referred only to future roads and further grants to existing roads, and that they seemed to imply an acknowledgment of vested rights in former grants.<sup>540</sup>

The railroads were by no means disinterested observers during this campaign. They realized that much was at stake and made free use of passes and other valuable considerations which they were in a position to offer.<sup>541</sup>

During the years 1872 and 1873 a fierce railroad war was waged, in which Minnesota was vitally interested. The people of the state had long been looking for the completion of a railroad connecting Minneapolis and St. Paul with Duluth, to bring into competition with the all-railroad route to Chicago a cheaper route eastward via the great lakes, and thus to reduce rates on products sold and on goods shipped in. And low rates came almost immediately on the opening of the new road. The distance from the Twin Cities to Duluth is one hundred and fifty-six miles, while the distance to Chicago is four hundred miles. The promoters of the Lake Superior and Mississippi railroad company figured on doing most of the carrying trade, during the season of lake navigation, for the entire section of the country comprising all of Minnesota and the Dakotas and the parts of Wisconsin and Iowa nearer Duluth than Chicago. But President Mitchell of the Milwaukee and St. Paul railroad issued a decree "making every station on its road as near Chicago on Lake Michigan as Duluth on Lake Superior," and though the actual difference in distance in many cases was fully two hundred and fifty miles this difference was to be ignored in fixing freight charges.<sup>542</sup>

Rates were fixed in such a way that cities and towns within fifty miles of Minneapolis and St. Paul were practically compelled to sell their produce and buy their goods in Chicago.

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540. Federal Union, July 25, 1873, p. 2, c. 4.

541. Stickney, *The Railway Problem*, p. 100.

542. *Ibid.*, p. 98.

While this rate war was on, the farmers in many districts enjoyed extremely low transportation rates, but the railroads had to recoup themselves the best they could during seasons of closed navigation and in districts where competition was not strong. It was claimed that districts in Wisconsin had to pay a considerable part of the expense of the transportation of favored sections in Minnesota during this rate war,<sup>543</sup> and this may account to some extent for the strength of the granger movement in Wisconsin at this time.

There was little or no anti-railroad agitation in Minnesota in 1872. It may be that the people were waiting to see what the results of the legislation enacted in 1871 would be, and of the contest between the railroads. But in 1873, as we have seen, the anti-railroad sentiment in this state was not to be ignored—a sentiment shared, however, by many other states.<sup>544</sup>

In September, 1873, the Milwaukee and St. Paul railroad joined with the West Wisconsin and the Winona and St. Peter railroads in raising the rate on wheat to Chicago three cents a bushel.<sup>545</sup> The Northern Pacific, which had control of the Lake Superior and Mississippi railroad and connections,<sup>546</sup> did not make any advance in rates and was highly commended by many for its action.<sup>547</sup> The concerted increase of railroad rates called forth a storm of indignation and gave new impetus to the granger movement.<sup>548</sup>

In the midst of this intense agitation came the panic of 1873. This financial crisis was the inevitable conclusion of

543. Ibid., p. 112.

544. Railway Gazette, Dec. 27, 1873, "The Railroad Year." Under this caption the paper says the year has been distinguished by the growth of distrust and jealousy of railroads, and gives instances from a number of states not usually classed as granger states, namely, Wisconsin, Illinois, Iowa, and Minnesota.

545. Duluth Weekly Tribune, Sept. 18, 1873.

546. To make connections with the Twin Cities from Duluth, the Northern Pacific leased three connecting lines: the Lake Superior and Mississippi, May 1, 1872; the Minneapolis and Duluth, Sept. 1, 1871; and the Stillwater and St. Paul, Nov. 1, 1870. See Railroad Commissioner's Reports for 1871, p. 40, app., and 1873, p. 163 app.

547. Duluth Minnesotian, Sept. 20, 1873; Nov. 1, 1873, from the St. Paul Press, Oct. 29.

548. Duluth Weekly Tribune, Sept. 18, 1873, "The Three Cent Extortion" (from St. Paul Press); Duluth Minnesotian, Sept. 20, 1873, "Increase of Railroad Charges;" Farmers' Union, Sept. 27, 1873, p. 308, c. 2, "A Protest."

an era of over-speculation and misdirected production, and it was national and international in its scope. In this country money had been scarce and the rate of interest high at different times during the two preceding years. The crisis was precipitated September 18, by the failure of Jay Cooke, who had been unable to float a large issue of Northern Pacific bonds. The news of this failure shattered all confidence, and a general panic ensued on Wall street, thence spreading over the whole country.

Minnesota had also had her share of speculation. Railroads had been pushed as never before, and almost altogether on borrowed capital, in spite of the fact that different railroad companies had been showing deficits at the end of each year.<sup>549</sup> As in the other Granger states, railroads were built far beyond present business demands. Enormous sums of capital were tied up for the time unproductively, and in such amounts per railroad mile as to offer little hope for remunerative returns for some time to come. Business enterprises of all kinds were undertaken with frontier optimism, and to a considerable extent on borrowed capital, for money at the time was plentiful.

But when the crash came ready cash disappeared and business operations were suspended. Even the farmer found it nearly impossible to dispose of his products.<sup>550</sup> Fortunately Minnesota had comparatively few business failures,<sup>551</sup> and, as the crops that summer had been reasonably good in spite of local devastation by the grasshoppers,<sup>552</sup> the people of the state looked upon the depression as merely temporary.

The railroads suffered severely, it is true, but their "absentee owners," who were popularly ranked with tyrants and oppressors, did not get much sympathy. The farmers throughout the middle west had been in arms against "railroads and monopolies" for several years, and now it was freely charged

549. Railroad Commissioner's Report, 1871, appendix; 1872, app., p. 207; 1873, app., p. 231; Railroad Gazette, Oct. 11, 1873, p. 414; Poor's Manual of the Railroads of the United States, for 1872-3, pp. xlii and xliii; for 1873-4, pp. xl and xli.

550. St. Paul Daily Dispatch, Sept. 19, 1873, p. 4, c. 2, "The Senseless Panic."

551. St. Paul Daily Pioneer, Sept. 20, 1873, p. 4, c. 2; St. Paul Daily Dispatch, Sept. 19, 1873, p. 4, c. 2; Oct. 10, 1873, p. 2, c. 1.

552. St. Paul Daily Dispatch, Sept. 20, 1873, p. 2, c. 1.



that they had thereby shaken public confidence in railroad investments and brought ruin to the country. The grangers in turn pointed to the recent disclosures of immense frauds in connection with several of the larger railroads and particularly to the Credit Mobilier,<sup>553</sup> and saw in this a sufficient reason for a shaken faith in railroads as operated at the time. Some might admit that their warfare had precipitated an unavoidable catastrophe, but they denied being in any way its cause. They believed for a while that after all the panic was only a flurry in the fictitious values in which the speculators had been interested, and that good honest industry, the economic "bone and sinew" of the country, would not be materially affected.<sup>554</sup>

The grangers remained firm in their conviction that their cause was just and continued their fight for railroad regulation. The campaign seemed in the main unaffected by the panic.

The Olmsted County Council of Patrons of Husbandry met October 17. They passed a resolution declaring that it was the duty of the state and general government to establish reasonable maximum rates of freight upon railroads. The Council submitted twenty-five questions to the subordinate granges of the county for discussion. None of these referred to the railroad or monopoly problems of the time. This seems to indicate that they intended to live up to the letter of the law and not formally discuss political questions in the granges.<sup>555</sup>

The Democrats and Liberal Republicans met in state convention at St. Paul on September 24 and formally endorsed the

553. See House of Representatives, 42d Congress, 3d session, Report No. 77, Credit Mobilier Investigation, Feb. 18, 1873 (pp. xix, 523); Report No. 78, Affairs of the Union Pacific Railroad Company, Feb. 20, 1873 (pp. xxvi, 770); Report No. 78, part 2; Reports No. 81, 82, and 95; Senate Report No. 519, 42d Congress, 3d session, Feb. 27, 1873 (pp. xxxvi, 162); J. E. Stevenson, Speeches in the House of Representatives, Feb. 26 and March 1, 1873, and Exhibit of Credit Mobilier Legislation and Operations (Wash., 1873); J. B. Crawford, The Credit Mobilier of America, its Origin and History; St. Paul Daily Dispatch, Oct. 3, 1873, p. 2, c. 1; Farmers' Union, Oct. 4, 1873, p. 308, c. 3; The Duluth Minnesotian, Sept. 27, 1873; Cultivator and Country Gentleman, Oct. 23, 1873, XXXVIII, 683, "Cause of the Panic."

554. St. Paul Daily Pioneer, Oct. 23, 1873, p. 2, c. 1; Nov. 1, 1873, p. 2, c. 2; Nov. 9, 1873.

555. The Minnesota Record (Rochester), Oct. 25, 1873.



platform and candidates presented by the Anti-Monopolists at Owatonna.<sup>556</sup> It was believed that concerted action on the part of all the opposition forces would inevitably lead to a Republican defeat at the polls in November.

The unusual interest taken in this off-year election is shown by the comparatively heavy vote cast throughout the state on election day. The voting was frequently for men rather than parties. The number of votes received by different men on the same ticket varied considerably. Of the state offices, the most lively contest was for the office of state treasurer. During the legislative session of the previous winter the treasurer had been accused of placing state money at the disposal of a "gang of St. Paul politicians" without securing to the state any compensation for its use.<sup>557</sup> An investigation followed which disclosed a number of irregularities. The state treasurer was receiving a comparatively small salary, but through a secret, well-established practice of depositing the state money judiciously the party in power was enabled to strengthen its organization and the treasurer could add materially to his rather meager income. When these facts became known a general hue and cry for reform was raised, and during the campaign of 1873 great political capital was made of this example of "Republican corruption and mismanagement."

The Republican convention had made a tactical mistake in not nominating for state treasurer Mr. E. W. Dyke, whom Governor Austin had appointed to fill the resigned treasurer's place, and who had filled this position creditably. The opposition element saw in this another flagrant example of "ring" rule within the Republican ranks, and the Anti-monopolists, seizing their opportunity, nominated Mr. Dyke as their candidate for this office.

In the November election the Republicans were victorious. They elected the entire state ticket, with the exception of treasurer. To this position Mr. Dyke was elected by a good majority.

Of the one hundred and six representatives, the Republi-

556. St. Paul Daily Pioneer, Sept. 25, p. 2, c. 1; Duluth Minnesotian, Sept. 27, 1873, "The Demo-Liberal Convention."

557. St. Paul Daily Dispatch, Oct. 20, 1873, p. 2, c. 1; Oct. 27, p. 2, c. 1; Nov. 1, p. 2, c. 1.

cans elected seventy-eight. Of twenty senators to be chosen at this election, the Republicans elected a sufficient number to give them thirty out of a total of forty-one members of the Senate.<sup>558</sup> This was an increase in the Republican membership in both the House and Senate over the preceding year.<sup>559</sup> The defeat of the opposition was variously explained. The St. Paul Pioneer claimed that it was due to lack of efficient campaign organization, asserting that the Democratic state central committee had never met, and that the Anti-monopoly committee had likewise done absolutely nothing to keep able men in the field.<sup>560</sup>

It is to be noted, however, that the defeat of the Anti-monopoly party and its allies did not mean the overthrow of the farmers' movement. By nominating C. K. Davis, a known sympathizer with the grangers, for governor, the Republican party practically adopted this movement as its own, and seriously interfered with the plans of Mr. Donnelly and others to identify the anti-monopoly movement with a new political party.<sup>561</sup> A letter which Mr. Davis published shortly after his nomination was instrumental in reassuring many whose faith in the party was wavering.<sup>562</sup> Had Mr. Dyke been nominated state treasurer by the Republicans, the opposition party would have made a sorry showing. All Republicans were by no means in accord with the granger ideas of their gubernatorial candidate. This was evident at the state convention, and later throughout the campaign. But under his leadership the granger element remained in the ascendancy and the party gained a decisive victory at the polls.

The interest in the railroad question did not subside after election. Although the railroads were about to go into the hands of receivers, the people remained determined that they should be compelled to submit to law.

During the annual meeting of the State Grange held in Faribault in December, the State Master delivered an address

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558. World Almanac, 1873, p. 42.

559. Cf. World Almanac, 1872, p. 69.

560. St. Paul Daily Pioneer, Nov. 12, 1873, p. 2, c. 1.

561. St. Paul Daily Press, July 17, 1873, p. 1, c. 1; Aug. 19, 1873, p. 1, c. 1.

562. Smalley, *The History of the Republican Party*, p. 196.

on transportation. Although he had opposed political action on the part of subordinate granges, his speech was thoroughly in sympathy with the farmers in their complaints of exorbitant and unjust tariffs and in their demands for reduced rates. He held that since the railroads of the state had been largely built by the people through land grants and bonuses, it was unjust for them to earn dividends on other than their actual investments and thus make the people pay dividends on their own donations. He therefore recommended that the State Grange send a select committee to the next legislature to assist in the framing of a law looking to the correction of the evils of the existing system of transportation. He also recommended that assessments be levied on the granges for carrying on any suit in which the validity of such a law might be contested.<sup>563</sup>

It is difficult to understand how Mr. Parsons could construe such action on the part of the State Grange to be anything but political in its nature. Later in the session a motion to provide for such a "lobbying" committee as recommended by the State Master was voted down because of the expense involved, and especially because many deemed the plan discreditable to the Order.<sup>564</sup>

### CHAPTER XIII.

#### THE GRANGER LEGISLATION OF 1874.

During the campaign of 1873, as we have seen, the railroad question was the most vital issue in most parts of the state. The widespread dissatisfaction with the railroad management of the time found expression through caucuses and conventions, in party platforms, and in campaign speeches, and was voiced in no uncertain tone on election day. In the legislature which met in January, 1874, a large majority, regardless of party affiliations, had been pledged to railroad regulation. Of the one hundred and six members of the House sixty-four were farmers, and there was also a good sprinkling of farmers in the Senate.<sup>565</sup> Most of these were Patrons and came as "ex-

563. Farmers' Union, Dec. 27, 1873, p. 412, c. 4-7.

564. Ibid., March 7, 1894, p. 68, c. 1.

565. Minn. Legislative Manual, 1874, pp. 148-153; Farmers' Union, July 18, 1874, p. 220, c. 1.

press representatives of the Grange movement.”<sup>566</sup> There seems to have been a general feeling of confidence in these legislators. Most of them were believed to be men who had the “moral courage to attack iniquity in its very citadel.”<sup>567</sup>

At the opening of the session the more radical element tried to unite all those who were pledged to reform and thus capture the organization of the House. All “anti-monopolists,” without regard to former party ties, were invited to meet in a caucus to nominate candidates for the elective House offices.<sup>568</sup> Their candidate for speaker, a member of the grange, lost out by only three votes. Many felt this defeat keenly and took it as an indication that the cause was lost for the time being.<sup>569</sup> The Pioneer, in commenting on the organization of the House, expressed itself as follows:<sup>570</sup> “It was to their credit that a few members of the House elected on the Republican ticket came here with an honest purpose to aid reform. It was to their discredit that the ring-master, with whip and club, drove them into the monopoly trap, by which the organization of the legislature will be handed over in all its parts to those corrupt and venal few who have so long preyed on the vitals of the state. \* \* \* The party of monopoly and corruption is still in the ascendant in Minnesota.”

Mr. Donnelly, who had been elected senator, immediately expressed lack of faith in the legislature and began preparations for a new campaign. He was appointed to serve on the Senate railroad committee, but refused to meet with the other members because he did not believe they were in sympathy with the people.<sup>571</sup>

Governor Austin, in his final message to the legislature, reviewed the railroad situation at length. It is evident, from his recommendations and remarks, that his position in regard to railroad regulation remained unchanged. The state supreme court had upheld the constitutionality of the law of 1871 in

566. Farmers' Union, July 18, 1874, p. 220, c. 1; “Mr. Donnelly once more.”

567. St. Paul Weekly Pioneer, Feb. 20, 1874.

568. St. Paul Daily Dispatch, Jan. 5, 1874.

569. Ibid., Jan. 7, 1874; “Defeated by Treachery.”

570. St. Paul Daily Pioneer, Jan. 4, 1874.

571. Farmers' Union, Feb. 21, 1874, p. 52, c. 2.



the Blake cases, but the railroad company had appealed to the federal supreme court. The governor deemed it advisable to make it the duty of the attorney general, or of the railroad commissioner, hereafter to prosecute suits of this nature at the public expense.<sup>572</sup> He believed that the law of 1871, if maintained, would be found too arbitrary and inelastic, especially because all railroads could not justly be required to carry freight and passengers at the same rates.<sup>573</sup> He recommended that complaints against railroad companies should be heard and determined by a board to consist of the railroad commissioner and a number of efficient men appointed to serve with him.<sup>574</sup> He approved of adopting in the main the French plan of strict government inspection and supervision of all roads, the regulation of their charges, and allowing no tariff advances without showing good cause and obtaining leave.<sup>575</sup> He believed as before, however, that cheap transportation could only be secured by improving and extending the waterways.

He urged a considerate attention to the claims of foreign creditors at this time of financial depression. The railroads of the state had been built largely by foreign capital, the St. Paul and Pacific alone having twenty-six million dollars in bonds held in Holland. Though the money had in many cases not been honestly applied, he considered the claims just and worthy of consideration.<sup>576</sup>

The Winona and St. Peter railroad company stood in need of legislative confirmation of its claims to certain lands. The governor suggested that in this, as in other cases where remedial legislation was sought, it should be given with such conditions as would expressly secure the company's submission to the general laws and regulations of the state. As we have seen, the legislature had frequently embodied special provisions as to reasonable rates in such enactments, but these had not gone to the extent of requiring a full surrender of their special privileges. Since all the special charter railroads had not come before the legislature at the same time for relief, it

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572. Minn. Exec. Docs., 1873, vol. 1, Governor's Message, p. 16.

573. *Ibid.*, p. 18.

574. *Ibid.*, p. 19.

575. *Ibid.*, p. 20.

576. *Ibid.*, pp. 11-12.



had been repeatedly argued with effect that such a provision in an individual instance would be an "unfriendly and unjust discrimination."<sup>577</sup>

Governor Davis, in his inaugural address, showed himself equally interested in securing reform. He was not certain that the law of 1871 would be binding on other railroad companies, even though it were held applicable to the Winona and St. Peter.<sup>578</sup> He considered the claims of the special charter railroads, if upheld, a standing menace to the state. He proposed two remedies. First, the state's right of eminent domain might be applied to the railroads in such a way that the state on payment of just compensation could acquire the right to prescribe rates. The measure of such compensation could not be what abuse and extortion on the part of the companies would yield if permitted to continue forever, but would have a more reasonable standard.<sup>579</sup> Second, he recommended a constitutional amendment prescribing that when any statute is enacted in favor of or for the benefit of a company at its instance, the company should by the mere force of the beneficial enactment be subject to such duties and control by the state as the amendment might propose. Since railroad companies were frequently in need of such favorable and enabling legislation, he believed such a policy would soon annihilate the claims of the special charter companies to self-regulation.<sup>580</sup> The new constitution of Pennsylvania, adopted in 1873, contained such a provision.<sup>581</sup> As we have seen the retiring governor recommended a similar plan, but not so fully developed.

The railroad commissioner, in his annual report, complained that his powers were too limited to remedy the railroad abuses. He called attention to the fact that he could not commence suits against railroad companies and had no power to prevent extortions, his duties being mainly limited by the law to the collection of facts and statistics for the information of the legislature.<sup>582</sup> He made no recommendations in this regard, but

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577. *Ibid.*, pp. 13-14.

578. *Ibid.*, Inaugural Address, p. 12.

579. *Ibid.*, p. 13.

580. *Ibid.*, pp. 13-14.

581. Const. of Penn. (operative Jan. 1, 1874), Art. 17, sec. 10.

582. Railroad Commissioner's Report, 1873, pp. v and vi.

left it to the legislature to determine whether an extension of powers would be advisable.

The commissioner had continued his investigation of railroad lands which were legally subject to taxation, and reported new cases of evasion.<sup>583</sup> Most of the companies paid their gross income tax promptly, but where the companies neglected or refused to make returns of their gross earnings there was no proper method provided by law for its collection. He recommended legislation to remedy this defect.<sup>584</sup>

Various remedies against unreasonable rates are discussed. In view of the fact that most of the railroads of the state were bound by their charters to transport freight at reasonable rates, and since proofs as to reasonableness or unreasonableness were mostly in the exclusive possession of the railroad companies, he contended that the burden of proof ought to be shifted from the shipper to the company, and that the legislature should establish certain rates to be *prima facie* reasonable. The railroads would be permitted to bring forward proofs to rebut this assumption of reasonableness.<sup>585</sup>

The railroads continued to insist on their "vested rights" and immunity from the general laws and regulations. Discriminations continued to be the rule, rather than the exception. The commissioner believed that as long as the railroads insisted on these wrongs, so long would the revolt against them assume greater and greater magnitude.<sup>586</sup> He again reviewed the federal, state, and municipal aid to the railroads of the state, and contended that the people had not shown themselves unfriendly to the railroads as often charged. They had been liberally dealt with in franchises, land grants, bonuses, and right-of-way donations; and all that the people ask for these prodigal gifts, said he, is security from extortion and freedom from unjust discrimination.<sup>587</sup>

The great question before the legislature of 1874 was the solution of the perplexing railroad problem. All agreed that something must be done, but there was a great variety of opin-

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583. *Ibid.*, pp. vi-xi.

584. *Ibid.*, p. xiv.

585. *Ibid.*, pp. xlv-xlvi.

586. *Ibid.*, p. lxiii.

587. *Ibid.*, p. lxiii.

ions in the legislature and throughout the state, as to what should be done. Many held that nothing short of a constitutional amendment defining clearly the power of the state over railroads would suffice. St. Julien Cox proposed in the Senate to add an article of ten sections to the constitution.<sup>588</sup> These sections embodied the main provisions of the recent Illinois and Pennsylvania constitutions relating to railroads.<sup>589</sup> This proposed amendment was received with favor by many anti-monopolists in both houses, but its consideration was indefinitely postponed by a vote of eighteen to thirteen.<sup>590</sup> One provision of this proposed amendment forbidding the consolidation of parallel lines was later in the session enacted as a law.<sup>591</sup> It is verbatim from the Pennsylvania constitution, except that it applies to railroads only and not to railroads and canals.<sup>592</sup>

At its annual meeting in December the State Grange had decided against maintaining a "lobbying committee at the capital during the legislative session."<sup>593</sup> But when the legislature met the executive committee of the State Grange, at the request of a number of legislators, appointed a committee to confer with them as to what legislation was desired by the Patrons and farmers of the state.<sup>594</sup> Its members were given seats in the Senate, with the understanding that they were to look after matters of interest to the farmers.<sup>595</sup> In certain quarters much was expected of this committee,<sup>596</sup> but little was accomplished beyond stirring up considerable ill-feeling in many of the granges because it had been appointed against the express wishes of the State Grange.<sup>597</sup>

At first the farmer element in the legislature had a feeling of distrust and jealousy toward the other members, which threatened to interfere seriously with the legislative work, but

588. St. Paul Evening Journal, Jan. 9, 1874; An address to the Anti-monopoly Party in Minn., 1874, p. 9.

589. Const. of Ills., Art. XI, secs. 9-15; Const. of Penn., Art. XVII, secs. 1-12.

590. An address to the Anti-monopoly Party in Minn., 1874, p. 9.

591. General Laws of Minn., 1874, ch. 29.

592. See Const. of Penn., Art. XVII, sec. 4.

593. Farmers' Union, Mch. 7, 1874.

594. Ibid., March 28, 1874.

595. Ibid., Feb. 21, 1874, p. 52, c. 2.

596. Ibid., p. 52, c. 2.

597. Ibid., March 7, 1874, p. 68, c. 1; March 21, 1874, p. 84; Apr. 11, 1874, p. 108.

this soon passed away.<sup>598</sup> The reformers were divided into two main factions. The more radical wished to follow up the state supreme court decision in the Blake case, and advocated laws fixing the rates of charges arbitrarily on the plan of the law of 1871. Others favored the enactment of a new law framed on the theory that the railroad corporations should each be allowed to charge a reasonable toll, after taking into account the benefits they had received from the people.<sup>599</sup>

A bill establishing maximum reasonable rates and providing stringent penalties was introduced in the Senate, but met the same fate as the proposed constitutional amendment,—it was indefinitely postponed. All the six who voted against postponement were anti-monopolists. One had been elected as an independent, and five as Republicans; of these five, three were grangers.<sup>600</sup>

State senator Donnelly introduced a bill based on the law of 1871. Its main feature was a provision that whenever any railroad company refused to obey the law, it should at once be put into the hands of receivers. Railroad companies were in this way to be compelled to obey the law while litigation was going on. They were not to have the privilege of refusing obedience until the law had been sustained in the highest courts.<sup>601</sup>

In the House a bill was introduced by Mr. Crandall, and was favorably reported by the committee of the whole.<sup>602</sup> This bill was in the main like the Illinois railroad law, but it included a maximum rate above which the railroad commissioners were not to go in fixing rates. The railroads were to be divided into classes according to the amount of business done, and rates were to be prescribed for each separately.<sup>603</sup> This bill passed the House by a vote of sixty-five to twenty-nine,<sup>604</sup> but came only as far as the second reading in the Senate.<sup>605</sup>

598. *Ibid.*, Feb. 14, 1874, p. 44, c. 2.

599. *Owatonna Journal*, Apr. 9, 1874; Speech by Hon. Amos Coggs-well.

600. An Address to the Anti-Monopoly Party in Minn., 1874, p. 10.

601. *Ibid.*, p. 10.

602. *House Journal*, 1874, p. 185; H. F. No. 36.

603. *Farmers' Union*, Feb. 14, 1874, p. 44; see also Feb. 21 and 28.

604. *House Journal*, 1874, p. 217; H. F. No. 36.

605. *Senate Journal*, 1874; see Index, p. 622, Bills of the House, No. 36.



The House indefinitely postponed a bill to provide for the appointment of a board of railroad commissioners,<sup>606</sup> but passed a bill creating the office of assistant railroad commissioner.<sup>607</sup>

A number of bills were also under consideration in the Senate, when its Railroad Committee introduced a substitute bill for all pending railroad bills, including those passed by the House.<sup>608</sup> This bill passed the Senate,<sup>609</sup> but did not prove stringent enough to suit the House. First the committee on railroads, to which it was referred, reported back a substitute,<sup>610</sup> but on recommitment they reported it back with amendments and recommended its passage.<sup>611</sup> Two successive conference committees were appointed before the bill as amended by the House with some further amendments was acceptable to both houses.<sup>612</sup> The House for a long time insisted that a maximum rate should be fixed above which the commissioners were not to be allowed to go, but was at last forced to yield.<sup>613</sup> The bill passed the House by a vote of eighty-three to three.<sup>614</sup> In the Senate only two votes were cast against the bill, those of Donnelly and Drake,<sup>615</sup> one the leader of the new Anti-monopoly party, and the other the president of the Southern Minnesota railroad and Republican leader in the Senate.<sup>616</sup> Donnelly objected to the bill because it gave a commission of three appointed by one man, the governor, the power to fix rates without any limits whatever. "The people elected a legislature to regulate railroads," said he, "and after sixty days session the Republican majority discard all the bills proposed by the Anti-monopolists, and coolly tell the people, 'You picked the wrong men; we know nothing about railroads, we are too ignorant and incapable to fix a schedule of charges.'"<sup>617</sup>

606. House Journal, 1874, p. 185; H. F. No. 4.

607. Ibid., p. 235; H. F. No. 86, here by misprint No. 36.

608. Senate Journal, 1874, p. 291; S. F. No. 271. See *Farmers' Union*, Feb. 28, 1874.

609. Ibid., p. 344. The vote stood 29 to 7.

610. House Journal, 1874, p. 424.

611. Ibid., p. 463.

612. Ibid., pp. 498, 550, and 562. See *St. Paul Daily Press*, March 6, 1874, p. 2, c. 2; *St. Paul Daily Dispatch*, March 6, 1874, p. 4, c. 2.

613. *St. Paul Daily Press*, March 6, 1874, p. 2, c. 1.

614. House Journal, 1874, p. 563.

615. Senate Journal, 1874, p. 482.

616. *Rochester Post*, March 14, 1874.

617. *An Address to the Anti-Monopoly Party*, 1874, p. 12.



This railroad law of 1874<sup>618</sup> created a board of three railroad commissioners to be appointed by the governor, with the consent of the Senate, for a term of two years. No stockholder, trustee, assignee, lessee, agent or employee of any railroad corporation was to be eligible to this office. The commissioners were severally required to give bonds with security in the sum of twenty thousand dollars for the faithful performance of their duties. The governor was given authority to remove any member when convinced that he was guilty of malfeasance or non-feasance of official duties.<sup>619</sup> The salary of each was fixed at three thousand dollars per annum and necessary expenses.<sup>620</sup>

They were to be in session at all times for the performance of their duties, and were required to keep a record of all their proceedings and to make an annual report to the governor, containing such information as would disclose the actual workings of the system of railroad transportation in its bearings upon the business of the state and such suggestions as they might deem appropriate. The governor might also direct them to make special investigations and reports.<sup>621</sup> They were given plenary powers of investigation, and were authorized to employ experts when they deemed it necessary.<sup>622</sup>

The commissioners were directed to make a schedule of maximum legal rates of charges for each of the railroads doing business within the state.<sup>623</sup> Special charter railroads were not excepted. The law fixed no maximum rates whatever except for terminal charges.<sup>624</sup>

The published schedules were to be deemed *prima facie* evidence of what were reasonable rates at any given time. The commissioners had authority to revise the schedules as often as circumstances might require, and the changes were binding after publication for three successive weeks in two weekly St. Paul newspapers.<sup>625</sup> The act forbade unjust discrimination of

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618. General Laws of Minn., 1874, ch. 26.

619. *Ibid.*, sec. 1.

620. *Ibid.*, sec. 2.

621. *Ibid.*, sec. 3.

622. *Ibid.*, sec. 4.

623. *Ibid.*, sec. 5.

624. *Ibid.*, sec. 9.

625. *Ibid.*, secs. 6 and 7.

all kinds and virtually enforced flat pro rata transportation charges. Different companies might charge different rates, but each company was obliged to charge the same rates at different points for transportation in the same direction on all parts of its main lines, its branches, and on other roads which it used or operated. All variations in charges for services under similar circumstances, directly or by means of rebates or drawbacks, were made *prima facie* evidence of unjust discrimination, and competition with another railroad at any point could not be proffered as a sufficient excuse or justification. Commutation, excursion, and thousand mile tickets might be issued as before. Otherwise there were only two exceptions to the general rule: Agricultural products might be shipped from outside the state to points within the state at uniform rates, less than the established local rates; and lumber might be transported to points at least twenty-five miles outside the state at special rates.<sup>626</sup>

Railroad companies were required to furnish cars for the transportation of freight when requested to do so, and to receive all freight offered and transport it with reasonable dispatch.<sup>627</sup> At all points within the state where two or more railroads intersected, it was made the duty of the railroads to provide for the convenient transfer of cars and freight from one line to another without unreasonable or unnecessary delay.<sup>628</sup>

All who owned coal, wood, or lumber yards, elevators, warehouses, mills or factories, at or near any railroad, were given right of access to the railroad tracks for necessary connections at a reasonable annual rental, which was to be determined by the railroad commissioners where the parties could not agree.<sup>629</sup>

If any railroad company charged unreasonable rates or unjustly discriminated against any person or corporation, town, village or city, the aggrieved party had a right to recover in a civil action treble damages, together with costs and

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626. *Ibid.*, sec. 9.

627. *Ibid.*, sec. 10.

628. *Ibid.*, secs. 11 and 12.

629. *Ibid.*, sec. 13.

a reasonable attorney's fee.<sup>630</sup> Any company guilty of violating any provision of this act was liable to a fine of one thousand dollars for the first offense, and from two to five thousand dollars for the second and subsequent offenses. In all cases arising under the act, either party had the right to trial by jury.<sup>631</sup> Whenever final judgment was rendered against a railroad for the recovery of a penalty prescribed by this act, it became the duty of the railroad commission to institute quo warranto proceedings to procure the vacation of the company's charter and the extinguishment of its franchises; and if the company continued to violate the act while this case was pending, the judge before whom such proceedings were instituted was authorized to appoint receivers for the company.<sup>632</sup>

Any resident of the state feeling himself aggrieved because of the violation of any provision of this act had the privilege of making a complaint in writing and under oath to the board of railroad commissioners. If the commissioners on inquiry deemed it proper, they could require the attorney general or the proper county attorney to bring suit against the company.<sup>633</sup> Employees and agents of railroad companies were made personally liable for willfully aiding in the violation of the law in the same manner as the railroad companies themselves.<sup>634</sup>

The act was not to be construed as repealing the common law remedies against railroad abuses, but expressly provided that its remedies were cumulative. Actions brought under its provisions were given precedence over all other business in the courts of the state, excepting criminal business;<sup>635</sup> and no such action commenced on behalf of the state might be dismissed unless the reason for dismissal were recorded.<sup>636</sup>

The board of railroad commissioners was to possess the powers and perform the duties given the railroad commissioner under the law of 1871, except as changed in this act.<sup>637</sup>

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630. *Ibid.*, sec. 15.

631. *Ibid.*, sec. 16.

632. *Ibid.*, sec. 17.

633. *Ibid.*, sec. 19.

634. *Ibid.*, sec. 23.

635. *Ibid.*, sec. 18.

636. *Ibid.*, sec. 22.

637. *Ibid.*, sec. 24.

The remainder of that law was repealed, as was also the maximum rate law of that year, but the repeal was not to affect suits brought under it.<sup>638</sup>

The provisions of this law were drawn freely from two laws passed by the legislature of Illinois, namely, the act creating a board of railroad and warehouse commissioners, enacted in 1871,<sup>639</sup> and an act to prevent extortion and unjust discrimination, enacted in 1873.<sup>640</sup>

While competition alone was no longer relied upon as an efficient safeguard against railroad extortion and abuses, the sentiment remained strong that competition must be maintained as far as possible. The legislature therefore passed an act to prevent the consolidation of the stock, property, or franchises of parallel or competing companies by purchase or lease, nor were their interests to be merged by means of common officers. The question whether railroads were parallel or competing was to be decided by jury as in other civil cases.<sup>641</sup>

An act was passed making railroad companies liable for fires along their lines, such fires being made *prima facie* evidence of carelessness or neglect on the part of the company.<sup>642</sup>

Another act relative to proceedings in expropriation for railroad purposes was made applicable to all railroads whether incorporated under the general law or by special charter.<sup>643</sup> This last feature virtually repealed a great amount of special law, for such provisions were found in all special charters.

The senate appointed a committee early in the session to investigate "elevator monopoly" along the lines of the St. Paul and Pacific.<sup>644</sup> On February 12 this committee reported that they had conclusively established the fact that a small group of men had enjoyed a complete monopoly of handling, storing, and forwarding grain on the main line of the St. Paul and Pacific railroad ever since it was built. Written contracts had been found which gave them these exclusive privileges. The committee held that a railroad is a common carrier and as such

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638. *Ibid.*, sec. 25.

639. Revised Statutes of Illinois, 1874, p. 828.

640. *Ibid.*, p. 816.

641. General Laws of Minn., 1874, ch. 29.

642. *Ibid.*, ch. 30.

643. *Ibid.*, ch. 28.

644. Senate Journal, 1874, p. 86.



has no right to establish a monopoly of the storage or commission business, but should be compelled to furnish facilities to all who desired to build warehouses and handle grain. As a remedy for the evils complained of by the farmers along the line, the enactment and rigid enforcement of a suitable warehouse law was recommended. As a further remedy, an action might be brought against the railroad company to vacate its charter for the long continued exercise of ultra vires powers to the detriment of the people.<sup>645</sup>

The legislature acted upon the recommendations of this special committee.<sup>646</sup> A law was enacted declaring all elevators and warehouses situated on any railroad within the state to be personal property and subject to taxation as such.<sup>647</sup> By joint resolution the attorney general was instructed to immediately commence judicial proceedings to vacate the charter of the First Division of the St. Paul and Pacific railroad, or to take other action as might be proper to remedy the alleged abuses.<sup>648</sup>

Complaints with reference to the handling of grain were not confined to any one railroad. They were quite general. The farmers believed that they were exploited both as to grade and weight. When they shipped their own grain to market the loss of weight en route was frequently such as to discourage similar independent shipments in the future. Various measures were proposed to afford relief. A bill to revive the common law responsibility of common carriers passed the Senate but failed in the House.<sup>649</sup> Another bill to remedy the evil of "shortage and stealage" in the transportation of grain by requiring certified weight at the shipping point also failed.<sup>650</sup> A bill was passed, however, which fixed the maximum charge of two cents per bushel for receiving, elevating, handling and delivering grain, and provided that the grain inspector must in no way be interested in the purchase and shipping of grain.

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645. *Ibid.*, pp. 231-234; Report of the special committee on warehouses and elevators on the St. Paul and Pacific.

646. See St. Paul Daily Dispatch, Feb. 14, 1874, p. 2, c. 2, "Elevator Monopoly."

647. General Laws of Minn., 1874, ch. 32.

648. *Ibid.*, p. 310; Joint Res. No. 30.

649. An Address to the Anti-Monopoly Party, 1874, p. 10.

650. *Ibid.*, p. 10.



If a railroad company refused to handle grain at the prescribed rate, any person would, on demand, have the privilege of building and maintaining a warehouse or elevator at the station, without payment of any compensation to the railroad company. Violations of this act involved the penalty of a fine of from one hundred to five hundred dollars.<sup>651</sup>

Since the legislature had so strongly asserted its authority over all railroads, one would hardly expect it to make special agreements with railroads for the express surrender of their rate-making power. This course of action had, as we have seen, been recommended by Governors Austin and Davis and by the railroad commissioner, and it was considered expedient because the federal supreme court might yet decide against the rate-making powers of the legislature in the case of special charter corporations.

The time limit for the completion of branch lines of the Minneapolis and St. Louis railroad company was extended for a period of five years on condition that "passengers and freight shall always be carried on said lines of railroad at such reasonable and equitable rates as may be from time to time fixed by law."<sup>652</sup> This was also one of the conditions upon which time extension was granted to the St. Paul and Pacific railroad company.<sup>653</sup>

The Green Bay and Minnesota railroad company, a Wisconsin corporation, was permitted to extend its line into the city of Winona with the privileges and liabilities of railroad companies organized under the general law and subject to the laws regulating the "rate of taxation or rates of freight and passenger traffic" as pertaining to the operation and use of its railroad in Winona.<sup>654</sup>

There were considerable sums due for materials and services in connection with the construction of certain lines of road of the St. Paul and Pacific. The legislature passed a law making the railroad company liable for all these debts and providing that no lands accruing to the company were to be transferred by the state till all debts due to citizens of the state

651. General Laws of Minn., 1874, ch. 31.

652. Special Laws of Minn., 1874, ch. 103.

653. Ibid., ch. 106, sec. 2.

654. Ibid., ch. 100.

were paid, and if these debts were not paid within six months the governor was authorized and directed to sell public lands held for the company to pay the debts to pay these claimants.<sup>655</sup> We have here reflected the very prevalent hostile sentiment toward absentee claimants. The law was later declared unconstitutional.<sup>656</sup>

Owing to the financial stringency following the panic of 1873 the St. Paul and Pacific had been unable to complete two of their lines in the northern and western part of the state within the time specified by the act of Congress granting the company lands. The legislature urgently requested Congress to continue the land grants to the state but directed the Minnesota senators and representatives in Congress not to permit the passage of any act of time extension which did not grant the lands in question directly to the state of Minnesota for her to grant to any company or companies on such conditions as experience had shown necessary for the protection of the people.<sup>657</sup>

The development of water transportation had been a subject of special interest in Minnesota from the earliest territorial days but during the farmers' movement during the early seventies the question was discussed with particular enthusiasm. Some doubted that railroads could ever transport bulky freight, such as grain, great distances at a rate reasonable to the farmers. Many grangers believed that the only way to bring railroads to terms was to bring them into direct competition with water transportation wherever possible. Newspapers published all sorts of projects, as editorials and in their correspondence columns. The legislature of 1874 reflected the public opinion of the time by its unusually large number of memorials to Congress bearing on this subject.

One joint resolution memorialized Congress to cause a survey to be made of the water routes between the navigable waters of the Minnesota river and the Red river of the North to ascertain the feasibility of connecting the two by canal.<sup>658</sup>

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655. *Ibid.*, ch. 105.

656. *Minn. Exec. Docs.*, 1876, vol. 2, p. 621.

657. *General Laws of Minn.*, 1874, p. 305, Joint Res. No. 24.

658. *Ibid.*, p. 291, Joint Res. No. 7.

In another they asked for an appropriation for improving the navigation of the river and lake of St. Croix.<sup>659</sup> A third requested Congress to make appropriations for the improvement of the harbor of Duluth to keep it up to the growing necessities of the Northwest.<sup>660</sup> In other resolutions they requested their senators and representatives in Congress to use their influence to secure the improvement of navigation on the Mississippi river<sup>661</sup> and on the Minnesota river<sup>662</sup> and the connection of St. Croix river with Lake Superior by canal, locks and dams.<sup>663</sup>

It was believed that by connecting the river systems of Minnesota with each other and with Lake Superior nearly all parts of the state would have the benefits of cheap water transportation and of reduced rates on the railroads which were in competition. Navigable rivers and lakes were by act of Congress under the direct control of the federal government and free to all, hence no private individual could monopolize their use. The case of canals was different and in the last mentioned resolution it was stipulated as a condition that the proposed canal and improved water courses should forever remain under control of the United States government.

It is not to be understood that this agitation in favor of water transportation was confined to Minnesota and that it was only of local interest. President Grant in his fourth annual message to Congress, December 2, 1872, called attention to three proposed waterways to connect the West and the South with the Atlantic seaboard and recommended that a committee or commission be appointed to consider the whole question of cheap transportation.<sup>664</sup> The Senate appointed a select committee "to investigate and report upon the subject of transportation between the interior and the seaboard." This committee spent a good portion of the year 1873 in investigating the subject of transportation and in its report, submitted to the Senate in the spring of 1874 it discusses at length a num-

659. *Ibid.*, p. 307, No. 26.

660. *Ibid.*, p. 302, No. 19.

661. *Ibid.*, p. 294, No. 12.

662. *Ibid.*, p. 297, No. 15.

663. *Ibid.*, p. 299, No. 17.

664. Richardson, Messages and Papers of the Presidents, 1789-1897, vol. VII, p. 195.

ber of proposed improved waterways and canals<sup>665</sup> and unanimously recommends four water routes as particularly feasible.<sup>666</sup> It may be of interest to note that the chairman of this committee was Mr. Windom, senator from Minnesota. He does not seem, however, to have taken any active part in the granger movement in this state.

A great number of municipal corporations had been authorized to issue bonds in aid of railroad construction by the legislature in 1873. Many more desired the same privilege in 1874. New Ulm had by a four-fifths majority voted to give the Winona and St. Peter a right of way through that city and was authorized to issue bonds for this purpose.<sup>667</sup> The city council of Winona had resolved to issue bonds to the amount of fifty thousand dollars in aid of the Green Bay and Minnesota railroad company when authorized by the legislature to do so. The legislature gave the desired consent.<sup>668</sup> Other villages, towns and counties were authorized to give aid to railroads<sup>669</sup> and from the reports of the railroad commissioner we learn that the aid given was considerable.

War was being waged, not against railroads but against railroad management and railroad claims based on the Dartmouth College decision.<sup>670</sup> The farmers were not enemies of the railroads but they were determined to assert the supremacy of the people over everything within the state, including railroads.

## CHAPTER XIV.

### THE SITUATION IN 1874 AFTER THE ENACTMENT OF THE GRANGER LAWS.

The new railroad law was variously received by the press of the state. The St. Paul Press told of its enactment under

665. Senate Report 307, Part I, 43d Congress, 1st Session; Report of the Select Committee on Transportation Routes to the Seaboard, pp. 161-240.

666. *Ibid.*, pp. 243-254; see also Senate Misc. Doc. No. 104, 43d Congress, 1st Session; Mr. Windom's Resolution.

667. Special Laws of Minn., 1874, ch. 54.

668. *Ibid.*, ch. 57.

669. *Ibid.*, chs. 59, 61.

670. See Chas. Francis Adams, Jr., *Railroads, their Origin and Problems*, pp. 126-8; E. W. Martin, *History of the Grange Movement*, p. 335; *The American Law Review*, Jan., 1874, "The Dartmouth College Case;" and the following Ch. XVI.



the headlines, "The People's Triumph, The New Railroad Law." It claimed that the representation of the railroads in the legislature had been so small that they had had nothing to say in its enactment.<sup>671</sup> The Minneapolis Tribune did not consider the problem solved, but believed the law the best that could have been devised under the circumstances. The legislature had not "killed the iron horse to gratify the insane caprices and spleen of some fanatics and demagogues," but "had at least put a snaffle on him and a curb bit to hold his rebellious nose in subjection."<sup>672</sup>

The Rochester Post, under the heading, "Donnelly and the Railroad Bill," would not claim perfection for the bill in all its details, but gave it credit for incorporating the wisest and most judicious thoughts, deductions, and decisions, of the best brains and the clearest heads of that legislature.<sup>673</sup>

The Record and Union (Rochester) conservatively expressed its belief that while the new bill was an advance on that of 1871, it would not prove "adequate to the consummation desired."<sup>674</sup>

On the other hand, the St. Paul Dispatch regarded the bill as a triumph of the railroad companies and objected forcibly to the plenary powers, ministerial and judicial, executive and legislative, which had been granted to the commission, and considered its appointment by the governor as a dangerous grant of power to the executive.<sup>675</sup>

Among the people likewise there was a difference of opinion as to the wisdom of the new law. The more radical Anti-monopolists attacked it violently. Amos Cogswell, an Anti-monopolist member of the legislature, in a speech before the Turtle Creek grange in Steele county, expressed his conviction that the law would be a complete failure. In the first place it was unconstitutional because it embraced more than one subject in one act, besides not having sections ten to fourteen, referred to in the title. In the second place, it would afford no real remedies. He did not believe the railroads would

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671. St. Paul Daily Press, March 7, 1874, p. 2, c. 1.

672. Minneapolis Daily Tribune, March 7, 1874, p. 2, c. 1.

673. Rochester Post, March 14, 1874.

674. Record and Union, March 13, 1874.

675. St. Paul Daily Dispatch, March 6, 1874, p. 4, c. 2.

pay any attention to the commission if it should attempt to reduce rates.<sup>676</sup> A more general sentiment in regard to the new law seems to have been that while it would not cure all the evils of which complaint had been made, still it would check the more flagrant wrongs, such as discrimination against persons and places.<sup>677</sup>

As members of the new board of railroad commissioners, the governor appointed ex-governor Wm. R. Marshall, John J. Randall, and A. J. Edgerton, who had served as railroad commissioner since 1871. Though some were disappointed to find that the Grange was not represented on the board,<sup>678</sup> the appointees seem on the whole to have been quite acceptable to the people.

This commission had been created to bring the railroads into subjection to the law, but the times were particularly unfavorable for carrying out any disciplinary measures. The financial stringency following the panic of 1873 had increased rather than abated. The railroads of the state were on the verge of bankruptcy. Money was very scarce under the most favorable circumstances, and bankrupt railroads under the ban of the law could offer no alluring inducements to men with capital. Naturally enough, men in railroad circles believed that this ban must be removed. State Senator Drake, president of the St. Paul and Sioux City railroad company, in a letter to J. A. Kiester, said: "It may as well be laid down at once as a maxim, that no money will be furnished by capitalists from abroad or at home, to build roads, until by judicial decisions or otherwise the absolute control of roads when built will belong to those who built them."<sup>679</sup>

The railroads felt themselves aggrieved. There was little or no business, and they were in no mood for reducing rates. In Wisconsin a new railroad law became operative by publication April 28. President Mitchell, of the Chicago, Milwaukee and St. Paul railroad, immediately notified the governor of that state that the board of directors on the advice of able

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676. Owatonna Journal, Apr. 9, 1874.

677. See Farmers' Union, Apr. 11, 1874, p. 109, c. 3; Resolutions of Dodge County Council.

678. Anti-Monopolist, Dec. 24, 1874; Mr. Parsons' Address.

679. Anti-Monopolist, July 23, 1874; Mr. Drake on Railroads.

counsel, and after due deliberation, believed it their duty to disregard so much of the law as attempted arbitrarily to fix rates of compensation for freight and passengers.<sup>680</sup> When this became known, it was quite generally believed that the railroads in Minnesota would do likewise, and the people did not like the prospects of lengthy and expensive litigation which eventually might bring no relief.<sup>681</sup>

The commissioners published their schedule of maximum legal rates in August. In preparing this schedule they could not be guided by any rule of remunerative interest or dividend on legitimate cost and operating expenses, for, excepting the River Division of the Milwaukee and St. Paul, the railroads were not earning remunerative revenues. Two railroads were in the hands of the receiver, three had defaulted in interest of debts, and others maintained credit by assessment on stockholders.<sup>682</sup> But, though operating at a loss, they were guilty of unjust discrimination and of excessive charges at non-competing points. The commissioners tried to interfere as little with the control and regulation of the roads by their owners as was consistent with the prevention and correction of such abuses.

The schedule published by the railroad commissioners divided freight into four main classes and ten special classes. Articles of freight were arranged alphabetically under each, and following this list of freights came a statement of what each road might charge for each class according to the distance transported. Rates were somewhat different on different roads, but the same rates were applicable on all parts of the same road.<sup>683</sup>

The avowed aim of the commissioners was not to reduce rates but to remedy abuses. According to the law of 1874, competition at a certain point did not constitute a valid excuse for lowering rates to and from that place. If the schedule of the commission had been rigidly enforced, rates would

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680. Wisconsin Railroad Commission Report, 1874, app., pp. 1-4.

681. Minneapolis Daily Tribune, July 16, 1874.

682. Railroad Commissioner's Report, 1874, p. 6.

683. St. Paul Weekly Pioneer Press, Aug. 6, 1874, Supplement, gives official publication of schedules.

have been raised at the so-called competitive points and lowered at the intervening points.

The competing points were as a rule centers of population and of industry. To a large extent they had been made so through railroad discrimination. Any increase in rates would naturally meet with protest at such places.

The railroad companies in Minnesota, unlike those in Wisconsin, did not openly refuse to comply with the new schedule. As stated in New York Tribune editorials, the railroads rather expressed their intention of trying to accommodate themselves to the new rates.<sup>684</sup> When the schedule went into effect legally, the railroad companies actually raised rates at a number of places, and the opponents of the new law attacked it violently. The Anti-Monopolist called it a fizzle and a fraud, and held it to be quite natural that the railroads should accept the schedule of the commission.<sup>685</sup> The St. Paul Dispatch said the "Grange ironclad railroad law" worked reform with a vengeance, and went on to show how rates had been raised on the St. Paul and Pacific.<sup>686</sup>

The reduction of rates at non-competing points was slight and was no source of great satisfaction to the farmers. Any reduction made at such places was more than counterbalanced in the minds of the people by raised rates at other points. Where the traffic was small and the rates were lowered, the railroad companies gave slower and inferior service, besides withdrawing from service as many trains as they possibly could. They informed their patrons that they were losing money as it was and consequently had to reduce expenses in all ways possible. The St. Paul and Sioux City threatened to withdraw a passenger train on their line unless they were permitted to charge five cents per passenger mile. The people along the road petitioned the railroad commission to permit this charge, and the commission complied with their request. The Owatonna Journal in commenting on this incident says:

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684. New York Daily Tribune, Aug. 5, 1874, p. 4, c. 4, "The Railway Problem in Minnesota;" Aug. 10, 1874, p. 4, c. 3, "Minding Other People's Business." See also The Railroad Gazette, Aug. 15, 1874, p. 314; Anti-Monopolist, Aug. 13, 1874.

685. Anti-Monopolist, Aug. 13, 1874.

686. St. Paul Daily Dispatch, Aug. 6, 1874.



"Tally one for the company. What company will next threaten to withdraw a train?"<sup>687</sup>

The railroad commissioners had to deal gently with the bankrupt companies and this attitude was frequently interpreted as an indication that they were in "cahoots with the railroads." The commission cost the state ten thousand dollars a year. This was a material increase in state expenses, and it was feared that expensive litigation would add to the burden. The grangers did not work in harmony, and this internal discord had a deadening effect.

Besides appointing the so-called lobbying committee, which met with so much disfavor, the State Grange executive committee also appointed a special committee to investigate and report on the Minnesota Farmers' Mutual Fire Insurance Association, popularly called the Farmers' Association.<sup>688</sup> This organization had started in 1865 as a farmers' association for mutual aid in case of fire, and was incorporated under the laws of the state in 1867.<sup>689</sup> It was extensively advertised in the Farmers' Union, which began publication as a monthly in August, 1867. Mr. W. A. Nimocks, the editor of this Minneapolis farm paper, was secretary of the association. In 1869 its membership numbered over four thousand,<sup>690</sup> and it claimed to insure at the rate of seventeen cents per thousand dollars.<sup>691</sup> In 1873 the State Grange took preliminary steps towards absorbing the association, and a committee appointed by the State Grange to investigate made a very favorable report to the state convention in December. They reported fifteen thousand farmers insured, one hundred thousand dollars paid out in losses, and insurance at one-third the usual cost.<sup>692</sup>

But the committee appointed by the executive committee presented a far different report. The company was declared unsound. They claimed that there was only \$50,762.15 on hand to meet the liabilities of 12,752 policies covering \$9,622,084,

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687. Owatonna Journal, Dec. 3, 1874.

688. Farmers' Union, March 7, 1874.

689. Ibid., Aug., 1867, Vol. 1, No. 1.

690. Ibid., Aug., 1869.

691. Ibid., April, 1869.

692. Ibid., Dec. 27, 1873.

and condemned the business management of the enterprise.<sup>693</sup> This adverse report greatly exasperated the grangers. They believed that the chairman of the committee, Mr. Sherwood, had for personal reasons tried to discredit the association.<sup>694</sup> Its officers immediately published a lengthy reply to this report and assured the public that the association was sound to the core,<sup>695</sup> and it seems that they were given greater credence than Mr. Sherwood's committee.

The Patrons had from the beginning been interested in co-operation. They had frequently tried to unite and eliminate the "middleman's profit," and while many of their ventures were not particularly successful it was generally believed that their activities had forced retailers to reduce their prices materially. In 1873 the executive committee of the State Grange had appointed a state agent to carry out co-operative plans. The agent, Mr. J. S. Denman, on his own responsibility organized a Patrons' Co-operative Society and incorporated it. He made the headquarters of the society at Winona, but planned to establish sub-agencies in the different counties. No distinction was made among those who dealt with the society, a small commission being charged of all whether patrons or not.<sup>696</sup>

Mr. Denman's announcement of his plans created a great stir. He was denounced as a middleman because he charged a regular commission. He was accused of having acted without authority in incorporating the state agency. His action was officially investigated and declared illegal. The State Grange, at its meeting in December, 1873, would not recognize him as its agent nor sanction any of his acts.<sup>697</sup> Nevertheless the grange proceeded to create the office of state agent, attaching a salary of fifteen hundred dollars, and unanimously elected Mr. Denman to this position.<sup>698</sup> But though the leaders tried to smooth over the difficulty, the mistrust and ill feel-

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693. St. Paul Daily Dispatch, Feb. 25, 1874; Farmers' Insurance Company (a four column report).

694. Farmers' Union, March 7, 1874.

695. St. Paul Dispatch, March 3, 1874, "The Other Side."

696. Farmers' Union, Nov. 22, 1873, "The 'fifth wheel' in the Grange;" Dec. 13, 1873, "What is it?" Dec. 20, 1873.

697. Ibid., Dec. 27, 1873; "The Duty of the Patrons."

698. Ibid.

ing was not altogether swept away. Many who had been attracted to the order because of its co-operative features were disappointed and lost interest in the grange work.

State Master Parsons had in a large measure checked the formal participation of grangers in the campaign of 1873. Mr. Donnelly's plan to create a new granger party had miscarried, but nevertheless the granges had been an important factor at the polls and in the legislature.

In the winter of 1874 Mr. Donnelly resumed his efforts to organize an independent anti-monopoly party. The anti-monopolist members of the legislature met while the legislature still was in session, and a committee of five was appointed to prepare an address to the people of the state.<sup>699</sup> The address aimed to show that what good had been accomplished by the legislature was to the credit of the anti-monopolists, and that the best measures and real reform had been blocked by the Republican majority. All friends of reform were invited to meet in every township of the state June 27 to elect delegates to county conventions.<sup>700</sup> There were at the time over three hundred active granges in the state. William Paist, secretary of the State Grange, was chairman of the committee which prepared the anti-monopolist address. Nominally through him, the anti-monopolist address and circulars were sent to all the granges of the state to be read at their meetings.<sup>701</sup> Later Mr. Donnelly assumed all responsibility.<sup>702</sup> This irregular procedure met with the approval of some grangers,<sup>703</sup> but on the whole it seems to have been strongly resented. For instance, the Lone Cedar Grange, in a spirited reply to the request to have the anti-monopolist circulars presented to the grange by its officers, treated this request as an insult, because grange officers were under solemn obligation not to use their position to influence any member in matters of politics or religion.<sup>704</sup>

A prominent Patron of Hennepin county sent in a complaint to Grand Master Adams of the National Grange, and

699. Address of the Anti-Monopolist Party, 1874.

700. Farmers' Union, March 14, 1874. See also Address of the Anti-Monopolist Party, 1874.

701. Farmers' Union, March 21, 1874.

702. Ibid., May 30, 1874.

703. Ibid., March 21, 1874; letter from "A Burns Granger."

704. Ibid., June 13, 1874.

received the following reply: "I have no doubt but the Master of your State Grange will promptly apply the correction to any subordinate grange that will so far forget its constitutional obligations as to take part in partisan politics. I fully agree with you that our Order must not, as such, become a political organization; but I most earnestly hope that our members will be true to their duty as American citizens and take an active and prominent part in moulding the institutions and laws of our country." <sup>705</sup>

State Master Parsons then published the following notice, dated July 11, 1874: "Upon any complaint made to me that any Grange in this jurisdiction has violated article XIII of the constitution of the National Grange [prohibiting political activity], I shall not hesitate to suspend that Grange and ask the Worthy Master of the National Grange to revoke its charter upon proof of guilt after hearing." <sup>706</sup>

Mr. Donnelly immediately began an attack on Mr. Parsons for this action, accusing him of having issued the notice for partisan purposes, namely, as in 1873, to save the Republican party from disruption. Again a lively discussion was evoked. Those who had joined the order to secure legislative reform were not content "to amuse themselves with running little parlor machines while others ran the government." <sup>707</sup> The more radical members looked upon Mr. Parsons' action as despotic, and became thoroughly dissatisfied with the order.

Men of all sorts of opinions had joined the grange, and often for widely differing purposes. In the enthusiasm of organization each one confidently looked to the order for the realization of his ideals. The work of organization continued to flourish and the number of granges was greatly increased, <sup>708</sup> but misunderstandings and disputes are fatal in any fraternal order. While the growth of the order was at its height, reports began to spread that it was dying. As early as January,

705. *Anti-Monopolist*, July 30, 1874.

706. *Ibid.*, July 30, 1874.

707. *Ibid.*, July 16, 1874; letter from Lewis Porter, a Patron, to the *Rochester Record and Herald*.

708. *Grange Advance*, Dec. 22, 1874, Meeting of Minnesota State Grange. State Master Parsons reported the organization of 142 granges in Minnesota, and 12,000 in the United States and Canada, during the year 1874.



1874, while granger legislatures were in session in several states, The Nation had almost prophetically said: "The farmers' movement, politically considered, has indeed passed in the last few months through the various stages of progress from birth to decay and dissolution, to which all movements of the sort seem nowadays to be destined."<sup>709</sup> This publication was not in sympathy with the farmers' movement,<sup>710</sup> and was not blinded by enthusiasm for its progress.

The Grange, however, protested life and vitality. In December the Grange Advance gives as a news item that there were at that time 21,472 organized granges in the United States, an increase of 364 during the last month. It then asks, Does this look much like dying? But the item is immediately followed by this comment: "Patrons who are now willing to desert the field on account of some little neighborhood troubles or personal differences are like men who have plowed the ground, obtained and sowed the seed, and watched the crop to maturity, refusing to harvest because neighbor Jones, or Smith, or Jenkins, have killed their bull pup."<sup>711</sup> It is evident that the patrons themselves recognized signs of disloyalty and indifference within their ranks.

The campaign conducted in Minnesota in the summer and fall of 1874 was not very exciting. Hard times dampened the enthusiasm of the people. Mr. Donnelly failed to arouse the interest of the farmers in his Anti-Monopoly party, and the grangers seem to have taken no active part in the campaign in any way.<sup>712</sup> The question of railroads and monopolies did not come up for serious discussion. At the election the Republicans elected twenty-four state senators, and the Democrats seventeen. Sixty Republicans and forty-six Democrats were elected members of the lower house.

The State Grange met in Mankato December 15, 1874. In

709. The Nation, vol. 18, p. 55, "The Farmers' Future."

710. Ibid., vol. 16, see Index, under The Week, "Railroad excitement in Illinois;" p. 249, "The Farmers' Clubs, and the Railroads;" p. 329, "The Latest Reform Movement;" p. 397, "The Grangers and the Judges;" vol. 17, see Index under The Week, "Farmers' Fallacy," etc.; vol. 18, pp. 55, 325, 340, 294, "The Cheap Transportation Report;" vol. 19, p. 36, "The Granger Method of Reform;" p. 199, "The Right to Confiscate."

711. Grange Advance, Dec. 22, 1874, P. of H. column.

712. Record and Union, Dec. 11, 1874.

his opening address State Master Parsons strongly condemned the new railroad law, asserting that the operation of that law as executed was an actual aggravation of the evil. He believed, however, that one end had been gained, namely, that "We hear no more of chartered rights above and beyond the power of the legislature to restrict. For reasons obvious to the dullest understanding, the corporations affected, with one accord, make haste to yield a ready obedience to the behest of the Commissioners. The fault of this condition of things is not to be found in the provisions of the law itself, but in the execution of those provisions. The measure which we had fondly hoped would afford a relief from our burdens, has been turned against us and made an agent of still greater oppression."<sup>713</sup>

He reported some progress during the past year by way of securing competition among sellers and thereby reducing the prices of all goods bought by the farmer. He believed that cheaper transportation could be secured on the same principle by bringing water transportation into competition with the railroads.<sup>714</sup>

At this convention the following resolutions were drawn up and were adopted, it is said, with enthusiasm:

Whereas, One of the greatest causes of the general industrial depression is the want of cheap means of transportation to the seaboard; and

Whereas, This result can only be obtained by competition, secured by the opening of water channels between the Mississippi and the ocean by way of our lakes and rivers; therefore,

Resolved, That we cordially endorse the report of the select committee on transportation submitted to the Senate during the first session of the Congress. \* \* \* \*

Resolved, That the present state law for the regulation of railroads is expensive and useless to the people and vexatious to the roads, and we demand its repeal, and in the name of 20,000 voters we demand the passage of a law that shall guarantee cheap transportation for the productions of the farm, especially wheat.

Resolved, That we propose to exercise our right of franchise in defence of our own interests, and we promise to act unitedly at the

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713. Anti-Monopolist, Dec. 24, 1874; Grange Advance, Dec. 22, 1874.

714. Ibid.

ballot box against those who prove themselves hostile or indifferent to our welfare.

Resolved, That while religion or politics should not be discussed in the work of the Order, we hold that each Grange has a right, and that it is a duty, to discuss and understand all the great economic questions of taxation, which underlie our prosperity as a people, and that we propose to exercise that right, regardless of its effects upon political parties or politicians.

Resolved, That Minnesota's true outlet for her production to Eastern markets is via Lake Superior, and we call upon the legislature of the state at its coming session to make an appropriation for a survey of the watershed between the St. Croix and Lake Superior to ascertain the best route and the lowest cost of a canal between them.<sup>715</sup>

The Grange also endorsed the project of opening the Fox and Wisconsin rivers that the people of the Northwest might have another opening by water to the Great Lakes.

These resolutions would seem to indicate that the grangers still had an interest in politics. They here proposed a definite legislative program, and while they did not come out as a new political organization they did pledge themselves to act unitedly at the ballot box against candidates who were hostile or indifferent to their plans. They tried to make a distinction between politics and partisan politics, which does not seem to have been made clear to anyone. As was said in a letter to the *Anti-Monopolist*: "The great question is settled at last. The Grangers can discuss whatever they please except partisan politics. As no one has ever even wanted to discuss partisan politics, not even Donnelly, I suppose those little creatures who were in favor of the 'hush up policy' will hide their heads in shame and silence. If State Master Parsons had said 'partisan politics' there would have been no controversy about the matter."<sup>716</sup>

Col. Samuel E. Adams was elected State Master to succeed Mr. Parsons. Mr. Donnelly tried to make political capital out of this fact, construing it as a disapproval of Mr. Parsons' action in forbidding political activity on the part of granges. In the *Anti-Monopolist* he said: "The State Grange draws a

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715. *Anti-Monopolist*, Dec. 24, 1874.

716. *Ibid.*, Aug. 13, 1874.

long breath of relief. The old man of the mountain who had so long ridden it is no more. Parsons is dropped out of sight deeper than plummet ever sounded. \* \* \* He preserved the Republican party in power at the expense of the Patrons of Husbandry. He tried to emasculate the Order and to reduce its members to silence and nothingness. But for his presence we should today have one thousand subordinate Granges in Minnesota, instead of five hundred."<sup>717</sup>

With a new state master and a set of resolutions so strongly tinged with politics, the State Grange to all appearances was about to enter the political arena. As a matter of fact, however, the grange masters in convention did not by these resolutions truly express the sentiments of their subordinate granges. The resolutions were not the spontaneous product of grange enthusiasm. They not only failed to arouse enthusiasm, but in many instances they met with determined opposition. Several subordinate granges passed resolutions protesting against the demanded repeal of the railroad laws.<sup>718</sup> The grangers were not prepared to take any united action at the ballot box at this time. Many believed that Mr. Donnelly was back of this movement, and later in a speech in the state senate he acknowledged his authorship of the resolutions.<sup>719</sup>

Mr. Parsons was not re-elected state master, but to construe this as a disavowal of his policy of keeping the grange out of politics does not seem to be warranted. Mr. Donnelly, as we have seen, was bitterly opposed to Mr. Parsons personally, and undoubtedly had influence in bringing about his defeat. But Colonel Adams, a war Democrat, who was elected to succeed him, was in favor of the same general policy as Mr. Parsons, and he says that this question did not come up as an issue in the election.<sup>720</sup>

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717. *Ibid.*, Dec. 24, 1874.

718. *Rochester Post*, March 6, 1875.

719. *Owatonna Journal*, March 4, 1875.

720. In an interview at his home in Minneapolis, July 27, 1909.



## CHAPTER XV.

THE GRANGER LAWS REPEALED AND A NEW RAILROAD LAW  
ENACTED IN 1875.

The railroad law of 1874 had proved disappointing. It was enacted to curb the arbitrary power of the railroads and to make them amenable to state control; but, owing to the financial stringency following the panic of 1873, it had been impossible to give it what its friends would call a fair trial. Business was at a stand-still, and the railroads were unable to meet their obligations incurred in times of optimism and prosperity. At the State Grange an attempt had been made to revive interest in further railroad regulation, but it met with no hearty response. By the winter of 1875 the state press had come to an almost unanimous decision in favor of an about-face in the railroad policy of the state.

The St. Paul Press considered the practical results of the law "mischievous in the extreme," and believed it "universally demonstrated, because experience has painfully admitted, that the experimental legislation of last winter in this state was a disastrous mistake," though administered leniently.<sup>721</sup>

The Minneapolis Tribune characterized the farmers' movement as a senseless railroad war. In its judgment "ten years will not suffice to repair the injury to the state which the law has inflicted. \* \* \* The railroad war of the West is responsible to a great degree for the hard times of which we have been complaining so much recently."<sup>722</sup>

The St. Paul Dispatch said: "The mistake which has been made in this war upon railroads is now very generally conceded, and few have the temerity to longer attempt to ride upon the commune sentiment as a political hobby."<sup>723</sup> And again: "The comments of the Stillwater Messenger, reprinted elsewhere, reflect the sentiment of nine-tenths of the people of

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721. The St. Paul Daily Press, Feb. 26, 1875, p. 2, c. 1; "Repeal of the Railroad Law."

722. The Minneapolis Tribune, March 5, 1875, p. 2, c. 1; "The New Railroad Law."

723. St. Paul Daily Dispatch, Jan. 21, 1875, p. 2, c. 2; "Paralyzing Business."

Minnesota. We can call to mind but three newspapers<sup>724</sup> of the state, which have given expressions to opinions in favor of the present law or any law regulating railroads. We know the business portion of the community desire to see the railroad restriction removed."<sup>725</sup>

The St. Cloud Press observed: "Never before in this country have the railroad interests felt the result of unjust laws more than now. Never before have the people felt the result of these laws with the same bitterness as now."<sup>726</sup>

The Grange Advance, a grange organ, in discussing the law of 1874, said: "It was an illy advised law gotten up in a hurry near the close of the session as an excuse for not doing anything else, providing for three commissioners who should stand between the people and the legislature and bear the odium of the failure."<sup>727</sup>

The Wisconsin State Grange in its annual meeting, January 14, 1875, in speeches and by resolutions, called for modifications in their granger laws.<sup>728</sup> The Wisconsin railroad commissioners reported that the Potter law had proved a failure.<sup>729</sup> Governor Taylor likewise frankly admitted that railroad regulation in Wisconsin had not been a success.<sup>730</sup> News of this kind was circulated freely by the press in Minnesota. When the state legislature convened in St. Paul in 1875, it seemed that the "country press joined with the city press in demanding such modifications in the legislation as will enable railroads to operate at a fair profit."<sup>731</sup>

Mr. Edgerton, one of the railroad commissioners, made a

724. These probably were the Rochester Post (see Feb. 27, 1875), Owatonna Journal (see March 4, 1875), and Record and Union (see Feb. 5, 1875). I found no other papers that stood by railroad control, and these recognized the sentiment against it.

725. St. Paul Daily Dispatch, Feb. 9, 1875, p. 2, c. 1; "A very general sentiment."

726. Reprinted in the St. Paul Daily Dispatch, Jan. 19, 1875, p. 3, c. 1.

727. Grange Advance, March 2, 1875.

728. St. Paul Daily Dispatch, Jan. 19, 1875.

729. Ibid., Jan. 9, 1875, p. 3, c. 1; St. Paul Daily Pioneer, Feb. 17, 1875, p. 2, c. 1; "The Potter Law."

730. St. Paul Daily Dispatch, Jan. 21, 1875, p. 2, c. 2; "Paralyzing Business."

731. Minneapolis Tribune, Jan. 16, 1875, p. 2, c. 1; "Steps that should be retraced;" reprinted in St. Paul Daily Dispatch, Jan. 21, 1875, p. 2, c. 2.

speech at Mantorville which became generally known as the "confiscation speech." The St. Paul Pioneer in commenting on the address said: "He shows that he has compelled the Winona and St. Peter railroad to run at a cost of \$30,000 a year beyond their receipts, and then he asks: Now let me ask any responsible man if he would advise any greater reduction on this road till the results of a few months would demonstrate its possibility. In other words he says, Can we put our hands deeper into the pockets of the owners of this road, until we find whether, after the end of a few months, they have any more money left for us to take." The paper goes on to characterize the plan of the railroad commission as a cool and deliberate scheme of legalized plunder.<sup>732</sup>

The Owatonna Press declared: "A gang of highway robbers would not improve this statement. Not content with taking away all the profits of the Winona and St. Peter road, the owners are compelled to lose over \$30,000 yearly. \* \* \* Is there any wonder there is 'hard times?' Let justice be done though the heavens fall."<sup>733</sup> Strange as it may seem, the Winona and St. Peter railroad company, which had been the main factor in exciting the railroad war in 1870, and which again in 1873 had been the chief object of attack, was now pictured as suffering injustice at the hands of men who had been appointed to bring relief to an oppressed people.

The general belief seems to have been that the granger movement was more or less directly the cause of the financial depression. The railroad law and the panic became associated in the minds of the people as cause and effect,—they were now suffering the "quick return which communism always reaps for aggressive assaults upon the bulwarks of national existence."<sup>734</sup>

It may be true, as Governor Davis said in his message to the legislature in 1875, that Minnesota was not so badly affected by the panic as other states, but, after all, this was poor consolation. The commercial and industrial interests, and par-

732. St. Paul Daily Pioneer, Jan. 16, 1875, pp. 2, c. 1; "A Railroad Commissioner's Boast and Petition."

733. St. Paul Daily Pioneer, Jan. 16, 1875, p. 2, c. 3; "Another Opinion upon Commissioner Edgerton's Confiscation Speech."

734. Ibid., Feb. 26, 1875, p. 2, c. 1; "The People and the Railroads."

ticularly the railroads,<sup>735</sup> were the first to suffer, but the effects of the panic were soon shared by the farmer as well. The grangers had looked to the legislature for relief from railroad oppression, and the granger laws had been enacted for their benefit. The railroads now complained that these laws were oppressive and confiscatory, and that they would never regain credit while such laws were in force. Railroads, "reduced to penury and starvation" and compelled by law to serve the public at rates "far below cost," were no longer oppressors, but victims of oppression. The idea became more and more prevalent that something must be done to help the prostrate railroads and to restore prosperity. The grangers had never planned to cripple the railroad industry. They had meant to control the roads for the public interest. Though no longer militant, they had no inclination to give up their contention that the state had the right to control railroads. Some change in policy seemed necessary, but many were reluctant about accepting radical changes.

When the legislature met in January, 1875, the senatorial election appeared to be of greater interest to the people and to the legislators than railroad legislation. No one seemed to have very definite ideas as to just what should be done, and no one seemed anxious to commit himself on the railroad question.<sup>736</sup>

The governor in his message characterized the railroad law of 1871 as crude in its conception, harsh towards the people it intended to benefit, and unjust to the weaker railroads, its sole value lying in the fact that it asserted the right of the legislature to protect the people against excessive rates and unjust discriminations, and that it had been upheld by the courts. But on the whole he favored the law of 1874. "Statutes," said he, "are generally vindicated or condemned by their results. The statute has resulted in the substantial abolition of local discrimination."<sup>737</sup>

The railroad commission could not present a very gratify-

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735. The Railroad Gazette, Sept. 27. 1873; "The Railroads First Affected by the Financial Crisis."

736. St. Paul Daily Dispatch, Jan. 28, 1875; "Where are the Grangers?"

737. Minn. Exec. Docs., 1874; Governor's Message.



ing report. Two railroad companies were in the hands of receivers, three had defaulted in interest of debts, and the others had maintained their credit only by levying assessments on their stockholders.<sup>738</sup> They had interfered as little with the railroads as was consistent with the prevention and correction of abuses. The commission believed that the main benefit of the law was that it at an early stage asserted the right of the state "to so far regulate and control these indispensable and beneficent agencies of material and social development as to protect the people from evils and oppressions that are felt in older communities," and that "the certain effect will be to check and repress the growth of evils that have scarcely any present existence here, but which the experience of older states demonstrates are sure in time to develop."<sup>739</sup>

In actual operation they had found the pro rata principle too inflexible, and recommended changes looking toward flexibility, that "the rates may be varied to equitably adapt them to the circumstances affecting cost and profit of service on different parts of the same road."<sup>740</sup>

When the railroad question finally was taken up for discussion, little enthusiasm was shown one way or another. Mr. Morse of Minneapolis introduced a bill in the House, which substituted a single advisory commissioner for the strong railroad commission under the law of 1874. This bill was favorably acted upon without any particular discussion in the committee of the whole, but when it came up for the final reading in the House, Mr. Brown, who opposed the bill, protested that it was being rushed through without due consideration. He admitted that a reaction had taken place in the minds of the people, making them more favorable to the railroads than before, but he objected to creating the office of railroad commissioner with merely the clerical powers of gathering statistics and reporting to the governor.<sup>741</sup> Mr. Egan, in support of the bill, tried to show that the evils to be remedied were future rather than present evils, as indicated in the railroad commissioner's report, and therefore he thought the Morse

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738. Minn. Railroad Commissioner's Report, 1874, p. 6.

739. *Ibid.*, p. 9.

740. *Ibid.*, p. 8.

741. Record and Union, March 6, 1875; "The Legislature."

bill sufficient under present circumstances. Mr. Listoe, another representative, said on the floor of the House that some farmers howled for railroads, and some against them. His people howled for them, and hence he would encourage them by voting for the bill.<sup>742</sup>

The Morse bill passed the House by a large majority, but met with greater opposition in the Senate. The Senate committee on railroads reported against a repeal of the existing law,<sup>743</sup> but later a joint committee on railroads agreed to report favorably on the new bill.<sup>744</sup> The reports of the Massachusetts railroad commissioner, Mr. Adams, seem to have exerted a considerable influence at this time. Mr. Adams' opinion was that "the only effective restraint upon railroad corporations, consistent with the freedom of action absolutely necessary to successful management of their complicated business, is the moral one of public opinion. \* \* \* He says in substance that experience has demonstrated that no railroad company will persist in palpable abuses in the face of official exposure, backed as it is sure to be by public opinion."<sup>745</sup> Arguments of this nature gave the bill under consideration a strong theoretical justification. It was not to be considered a mere repeal of the old law, but rather a positive measure based on good sound principles.

The bill did not pass the Senate without a struggle. A number of the Anti-Monopolists of the previous year rallied to the support of the law of 1874, which was about to be repealed. While they did not favor some of its details, they were in sympathy with the principle of state control underlying it. Senator Coggsell, one of their number, denied that the law had injured the railroads. He attributed the cessation of railroad construction to want of capital seeking investment, to the absence of land grants, and to the general lack of confidence among capitalists in railroads and business management.<sup>746</sup> Senator Westfall disowned the law of 1874 as the offspring

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742. Ibid.

743. St. Paul Daily Dispatch, Feb. 12, 1875, p. 2, c. 2; "The Railroad Law."

744. St. Paul Daily Press, Feb. 26, 1875, p. 2, c. 1; "Repeal of the Railroad Law."

745. Ibid.

746. St. Paul Daily Dispatch, March 3, 1875, p. 2.

of the grange movement, considering it merely a compromise measure. He proposed, however, "to hold and stand on the ground already taken,—that the people have a right to regulate freights and tariffs."<sup>747</sup> Senator Donnelly also spoke vigorously against the bill. He had voted against the law of 1874 at the time of its enactment, but he "preferred it to no law at all."<sup>748</sup>

Those who favored the bill did so for various reasons. Senator Graves "voted for the bill only out of consideration for the impoverished condition of the railroads;"<sup>749</sup> Senator Doughty because there was nothing to the bill but repeal.<sup>750</sup> Senator Knute Nelson favored a simple repeal instead of this "sugar-coated" bill. He "preferred to take his medicine straight, but was compelled to take it as it was offered." His constituency were anxious to secure railroads and were of the opinion that the existing law kept capital out of the state.<sup>751</sup> There was little enthusiasm for the Morse bill as a positive measure. It passed the Senate by a vote of twenty-eight to thirteen, and was approved by the governor.<sup>752</sup>

The new law<sup>753</sup> provided for one railroad commissioner, to be elected at the general election for a term of two years. He was required to give ten thousand dollar bonds, approved by the governor, for the faithful discharge of his duties.<sup>754</sup> His salary was fixed at three thousand dollars a year, and provision was made for a secretary at a salary of twelve hundred dollars.<sup>755</sup>

It was made the duty of the commissioner to inquire into the neglect or violation of the laws by the railroad companies or by their employees and officers, to inspect each railroad and its equipment with special reference to public safety and convenience, and to investigate as to financial condition and man-

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747. Rochester Post, March 6, 1875; "Westfall on the Railroad Law."

748. St. Paul Daily Dispatch, March 3, 1875, p. 2, c. 4.

749. Ibid., March 4, 1875, p. 2; Morse Bill passed, 28 to 13.

750. Ibid.

751. Ibid.

752. Ibid.

753. General Laws of Minn., 1875, ch. 103.

754. Ibid., sec. 1.

755. Ibid., sec. 2.

agement.<sup>756</sup> He was to report annually to the governor, and to make such suggestions and recommendations as he deemed advisable.<sup>757</sup> The president or managing officer of each railroad company was required to report under oath to the railroad commissioner annually, on or before October 1.<sup>758</sup> The commissioner was empowered to investigate books and papers, and to examine officers or employees under oath or otherwise. He was given power to issue subpoenas and to compel obedience in these matters, in the same manner as regular courts of law. Wilful obstruction or refusal to give testimony was made a misdemeanor punishable by a fine of not over one thousand dollars.<sup>759</sup>

Railroad companies were prohibited from charging one person or corporation more than another "for a like service from the same place, and upon like conditions and upon similar circumstances;" and all concessions of rates, drawbacks, and contracts for special rates, were to be "open to all persons, companies, and corporations, alike under similar circumstances."<sup>760</sup> Unreasonable charges for any privilege or service on the part of railroad companies was likewise prohibited.<sup>761</sup>

It was made the duty of railroads, "when within their power to do so, and upon reasonable notice," to furnish suitable cars to all who applied, and to "receive and transport such freight with all reasonable dispatch," and to provide "suitable facilities for receiving the same at any depot" on their lines.<sup>762</sup>

Any railroad company which violated the provisions of this act, as to "extortion or unjust discrimination," was to forfeit treble damages and costs to the aggrieved party. The railroad law of the previous year was repealed, but the repeal was not to affect any pending action.<sup>763</sup>

The enactment of this law meant a definite change of policy

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756. *Ibid.*, sec. 3.

757. *Ibid.*, sec. 4.

758. *Ibid.*, sec. 5.

759. *Ibid.*, sec. 6.

760. *Ibid.*, sec. 7.

761. *Ibid.*, sec. 8.

762. *Ibid.*, sec. 9.

763. *Ibid.*, sec. 10.



in regard to railroad control.<sup>764</sup> The railroad commissioner was given plenary powers to investigate and report, but had no power to prevent or correct abuses. Unreasonable charges, as we noted, were forbidden, but were in no way defined. Discriminations were likewise prohibited, but in such guarded terms that little substantial protection was afforded. The aggrieved party would have to bring civil action against the railroad company and prove that different charges had been made for "like services from the same place and upon like conditions and similar circumstances," or must show in court that the charges were unreasonable, or that cars had not been furnished upon reasonable notice, when it was in the power of the railroad companies to do so. Discriminations and extortions were no longer offences against the state and punishable as such. They were again placed within the domain of private law, and the individual aggrieved must himself bring action, and must stand the cost in case of an adverse decision.

The legislature also passed "An act for the protection of exporters of grain from this state."<sup>765</sup> According to this law, "common carriers" doing business within the state and engaged in the transportation of grain, were required to give a receipt for the amount of grain received and were bound to deliver the same amount to the destination, allowing a maximum of forty-five pounds loss per carload during transportation. Refusal to give such a receipt when demanded made the company liable to a fine of from ten to fifty dollars. In case of refusal or neglect to deliver the amount of grain so receipted, the common carrier was made liable for all loss beyond the legal maximum, and was subjected to a fine of fifty to one hundred dollars for each offence. All prosecutions under this act were to be made in the name of the state, under the direction of the attorney general.<sup>766</sup>

The purpose of this law was to remedy the "shortage and stealage" abuse against which the farmers and independent shippers had so long contended. The railroads were here called common carriers and the legislature undertook to regulate

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764. See the *Railroad Gazette*, March 13, 1875, p. 109, "Minnesota Railroad Laws;" *The Nation*, vol. 20, p. 183.

765. *General Laws of Minn.*, 1875, ch. 88.

766. *Ibid.*, sec. 3.

them in their transportation of grain. The penalties under the law were not severe, but the manner of enforcing them was in striking contrast with the weak provisions of the act calculated to prevent discriminations and extortions.

These were the important general laws passed at this session. Numerous special laws were passed authorizing cities, counties and towns to issue bonds in aid of railroads.<sup>767</sup> This shows that the people in different parts of the state were anxious to see railroad construction resumed. A number of special laws were passed by the legislature to aid railroads. Two railroads were given state swamp lands.<sup>768</sup> The St. Paul and Pacific railroad company had its time limit for completion extended, but was bound to charge only just and reasonable rates and to make no unjust and unreasonable discriminations.<sup>769</sup> The Minneapolis and St. Louis railroad company was authorized to extend a branch line, and its charter rights were made applicable to this branch, provided passengers and freight were carried over the lines, "at such equitable and reasonable rates as may from time to time be fixed by law."<sup>770</sup> These acts are a reversion to the previous type of railroad regulation. Direct legislative control of railroad rates, as contemplated by the granger laws, had been given up as inexpedient, but the legislature promptly resumed the plan of regulation by special law wherever possible.

The granger legislature of 1874 had passed laws to control railroad rates and railroad management, but, as we have seen, they also memorialized Congress for river improvements and canals, in order to bring a cheaper means of transportation into competition with the railroads. The legislature of 1875, which repealed the granger laws and by joint resolution directed the attorney general to discontinue the suit pending by express order of the preceding legislature against a railroad company to have its charter declared forfeited,<sup>771</sup> continued the agita-

767. *Special Laws of Minn.*, 1875, chs. 126, 127, 129, 130, 131, 132.

768. *Ibid.*, chs. 51 and 54, the Taylor's Falls and Lake Superior and the Duluth and Iron Range railroad companies, resp.

769. *Ibid.*, ch. 49.

770. *Ibid.*, ch. 63. Other special acts were chs. 50, 52, 57, 58, 64.

771. *General Laws of Minn.*, 1875, p. 218; Joint Resolution No. 19. Suit had been brought against the First Division of the St. Paul and Pacific railroad company.

tion for extended and improved water transportation. By joint resolution Congress was requested, verbatim as in 1874, to make a survey of the "water routes between the navigable waters of the Minnesota river and the Red river of the North," to ascertain the feasibility of a canal connection between the two. Surveys had been made of the two rivers and measures were progressing for improving the navigation on the rivers, it is stated in the resolution, but the surveys were not being made with the idea of connecting the rivers and making them a continuous navigation system.<sup>772</sup>

Congress was in like manner "requested" to survey the Red or Otter Tail river to ascertain the feasibility of improving that river from Fergus Falls upward to where the Northern Pacific crossed it near Perham.<sup>773</sup> The senators and representatives of the state in Congress were urged to use their influence to secure the improvement of the Red river between Breckenridge and Manitoba,<sup>774</sup> of the Mississippi river at St. Paul,<sup>775</sup> and of the Minnesota river.<sup>776</sup> It was believed that navigable streams and canals under the control of the federal government would forever remain in competition with railroads and tend to keep down their rates.

The Minneapolis and St. Paul papers quite generally endorsed the new railroad law. The St. Paul Dispatch had advocated the Morse bill from the time it was introduced.<sup>777</sup> The St. Paul Pioneer heartily commended it, and congratulated the state upon its passage; for, "While the new measure in no respect abates the principle of state control, it substitutes for the heavy hand of iron-clad tariffs a system which will accomplish every just reform and at the same time secure capital against the arbitrary persecution which has resulted in blighting railroad interests all over the West. By the new bill the interests of the people are amply guarded, while those of the

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772. *Ibid.*, p. 213; Joint Resolution No. 10.

773. *Ibid.*, p. 207; Joint Resolution No. 1.

774. *Ibid.*, p. 208; Joint Resolution No. 2.

775. *Ibid.*, p. 210; Joint Resolution No. 5.

776. *Ibid.*, p. 210; Joint Resolution No. 6.

777. *St. Paul Daily Dispatch*, Feb. 23, 1875, p. 2, c. 1, "A Sensible Bill;" Feb. 26, 1875, p. 2, c. 1, "The Pending Railroad Bill;" March 1, 1875, p. 2, c. 1, "A Political Movement;" March 2, 1875, p. 2, c. 1, "The New Railroad Law."

railroads are secured against violent and communistic confiscation." 778

The Minneapolis Tribune said: "The Morse bill virtually restores to the railroad companies the right to manage and control their own property, which right was taken away from them last winter. \* \* \* Thus has our state at last taken a step calculated in the end to repair the injury inflicted upon her by the senseless railroad war." 779

The press outside the Twin Cities was not so unanimous in its approval. The Grange Advance said: "A number of our exchanges are amusing themselves by miscellaneously pitching into the new railroad law. \* \* \* While we do not think it perfect, we cannot agree with the broad assertions that are being constantly paraded before the public in the following style: The Minnesota legislature at its recent session virtually sold out to the railroads and repealed all the legislation of 1874, and left the people at the mercy of the corporations." 780

The Owatonna Journal was one of the papers here referred to. It came out strongly against the bill and "asserted unhesitatingly that all the railroad lawyers this side of perdition could not have framed a clause to expressly grant the right of discrimination in better terms or more effectively." 781 Ex-governor Austin wrote to the Journal a letter commending it on its attitude and characterizing the repeal of the law of 1874, without enacting a better substitute, as a "criminal piece of stupidity and folly." He predicted an early repeal of the "Morse fraud." 782 The Monticello Times agreed with Mr. Austin that the law of 1874 had not been given a fair trial. 783

The Rochester Post considered the enactment of the law an "acknowledgment by the legislature that the attempt to fix rates of compensation for transportation services by a different system from that by which other values are fixed has proved a failure." 784 Its tone is quite moderate considering

778. St. Paul Daily Pioneer, March 4, 1875, p. 2, c. 1, "The New Railroad Bill."

779. Minneapolis Daily Tribune, March 5, 1875, p. 2, c. 1.

780. Grange Advance, March 2, 1875.

781. Owatonna Journal, March 4, 1875.

782. Ibid., March 25, 1875.

783. Anti-Monopolist, Apr. 15, 1875.

784. Rochester Post.



its previous stand. The Windom Reporter called the railroad law a farce, and continued: "Common law guarantees as much protection, and the penalties of the new law will have no effect in frightening the railroads to adopt a reasonable tariff."<sup>785</sup> The Winona Republican said: "The bill practically amounts to a total surrender on the part of the state of the right to regulate railroads \* \* \* it would be better to have no railroad law at all and save the useless clerk hire."<sup>786</sup>

The Anti-Monopolist perhaps came out the very strongest against the repeal of the former law. It called the new law a "sham, a mockery, a delusion, and a snare."<sup>787</sup> It quoted the Chisago County Post as saying: "The new railroad law is not well thought of by the state press; in fact, there are few papers in the state that do not denounce the law as a sham conveying no meaning whatever."<sup>788</sup> This last statement is too sweeping, but enough quotations have been given to show that the new law was not favorably received by all. There were many throughout the state who were disappointed because the granger law of 1874 was not given a longer trial.

## CHAPTER XVI.

### THE SIGNIFICANCE OF THE GRANGER MOVEMENT.

The repeal of the granger laws in Minnesota and the neighboring granger states, following the sudden decline in granger activity, was taken by many as an indication that the granger movement had spent its force and accomplished nothing. But such was hardly the case. The grangers did not succeed in solving the railroad problem, but as a direct result of their revolt against the railroad abuses of their day the fact came to be generally recognized that the people as well as the railroad corporations have "vested rights," and this was no mean contribution toward its solution.

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785. Anti-Monopolist, March 18, 1875, "The Railroad Law;" Windom Reporter quoted.

786. Ibid., March 11, 1875, "The New Railroad Law;" The Winona Republican quoted.

787. Ibid., March 18, 1875.

788. Ibid., March 25, 1875.

Whenever attempts were made to subject the railroads to regulation in the interest of the people, they sought refuge behind the Dartmouth College decision. In this case the United States supreme court had held that the original charter of Dartmouth College constituted a contract between the Crown and the trustees of the college, which was not dissolved by the Revolution, and that an act passed by the state legislature of New Hampshire altering this charter without the consent of the corporation impaired the obligation of the contract and was therefore null and void.<sup>789</sup> All rights once legally vested in corporations were thus placed beyond the reach of subsequent state legislation. "This decision," said Chancellor Kent approvingly, "did more than any other single act proceeding from the authority of the United States to throw an impregnable barrier around all rights and franchises derived from the government; to give solidity and inviolability to the literary, charitable, religious and commercial interests of the country."<sup>790</sup> This statement, made in 1826, seems almost prophetic in the light of later developments. The growth of corporate enterprise and the part this decision was to play could not be foreseen, even by such far-sighted men as Marshall and Kent. The doctrine laid down in this decision was followed in later cases in federal and state courts, and it soon came to be regarded as a settled principle of American constitutional law that charters of private corporations were inviolable contracts between the legislature and the corporators, and that the subsequent power of the legislature was restrained by their terms.<sup>791</sup>

This decision did not lead to an amendment of the federal constitution calling for a different interpretation of the provision in question, as did the decision in *Chisholm vs. Georgia*;<sup>792</sup> but the different states began almost immediately to guard against the interpretation of future charters as inviolable contracts by expressly reserving to the state legislature the right

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789. *The Trustees of Dartmouth College vs. Woodward*, 4 Wheaton, 518; decided 1819.

790. 1 Kent's Com., 392; First edition, 1826.

791. See 94 U. S., 185, *Stone vs. Wisconsin*, dissenting opinion.

792. 2 Dallas, 419; decided 1793. The eleventh amendment was proposed in 1794.

to alter, amend, or repeal acts incorporating private corporations.<sup>793</sup> The first plan was to insert a provision to this effect in the charter when granted,<sup>794</sup> and soon became quite general. Another plan was to make the reservation of legislative power of amendment or repeal applicable by general law to all future charters.<sup>795</sup> A third plan was to insert this reservation of power in the state constitution. Beginning with the Delaware constitution as amended by a constitutional convention in 1831, we find that by 1866 this provision is to be found in the constitution of at least fifteen different states.<sup>796</sup>

From the great amount of legislation and constitutional enactment which it provoked, it is evident that the doctrine promulgated in the Dartmouth College decision was regarded as new and not altogether acceptable by the different states. And as time went on and railroads were built and railroad corporations grew in power, the situation became more and more serious; for the new corporations, though controlling an essential factor in the economic life of the country, claimed exemption from state regulation in the interests of the public they were serving as common carriers, because their charter rights were constitutionally beyond legislative interference. Even where reservation had been made that charters might be altered or repealed, it was a matter of grave doubt in some quarters whether, after all, this reservation was not an empty formula.<sup>797</sup> If a company had vested rights in the franchises

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793. 10 Barbour, 260, New York Supreme Court, 1851; Amer. Law Review, vol VIII, p. 189 (Jan., 1874), "The Dartmouth College Case."

794. For instance, Laws of New York, 1819, ch. 110, sec. 3; Laws of New Hampshire, 1820, ch. 34, sec. 10. The provision may be found later in charters of most of the states.

795. 1 New York Revised Statutes (1829), 600, sec. 8,—this provision dates from Dec., 1827; Session Laws of Mass., 1830, ch. 81; 3 Public Laws of Maine, ch. 503, approved March 17, 1831.

796. Del., Const. of 1831, art. 2, sec. 17.  
 N. Y., 1846, art. 8, sec. 1. Penn., amend., 1857, art. 1, sec. 26.  
 Wis., 1848, art. 11, sec. 1. Kan., 1859, art. 12, sec. 1.  
 Cal., 1849, art. 4, sec. 31. W. Va., 1861, art. 11, sec. 5.  
 Mich., 1850, art. 15, sec. 1. Nev., 1864, art. 8, sec. 1.  
 Ohio, 1851, art. 13, sec. 2. Md., 1864, art. 3, sec. 51.  
 Ore., 1857, art. 11, sec. 2. Mo., 1865, art. 8, sec. 4.  
 Iowa, 1857, art. 8, sec. 2. Tex., 1866, art. 7, sec. 31.

797. 1 Amer. Law Rev., 451, 456, ff. (Apr., 1867); "Legislative Control over Railway Charters."

granted, to what extent would the legislature be authorized to interfere materially with these property rights? And the United States supreme court later did decide that the reserved power of alteration and amendment was not without limit, but that "the alterations must be reasonable, they must be made in good faith, and be consistent with the scope and object of the act of incorporation."<sup>798</sup>

The right of the legislature to control its own creatures, the corporations, was at the time of the granger movement no longer an academic question of political and legal theory; it was a vital question in the economic life of the country, and it had to be faced squarely. Thomas M. Cooley, the eminent jurist, expressed his opinion of the situation in 1873 as follows: "It is under the protection of the decision in the Dartmouth College case that the most enormous and threatening powers in our country have been created; some of the great and wealthy corporations actually having greater influence in the country at large, and upon the legislation of the country, than the States to which they owe their corporate existence. Every privilege granted or right conferred—no matter by what means or on what pretence—being made inviolable by the Constitution, the government is frequently found stripped of its authority in very important particulars by unwise, careless, or corrupt legislation; and a clause of the Federal Constitution, whose purpose was to preclude the repudiation of debts and just contracts, protects and perpetuates the evil."<sup>799</sup>

In an address in 1873 James A. Garfield criticised the judicial application of the Dartmouth College case, and ventured the opinion that some feature of that opinion as applied to the railway and similar corporations must give way under the new elements which time had added to the problem, and said further: "It will be a disgrace to our age and to us if we do not discover some method by which the public functions of these organizations may be brought into full subordination, and that

798. 95 U. S., 319, 324; *Shields vs. Ohio*.

799. Cooley, *Constitutional Limitations*, Third ed., 1874 (preface dated Dec., 1873), pp. 279, 280 note. This statement is not found in the first edition, published in 1867, before the granger movement had brought the question into prominence.



too without violence and without unjust interference with the rights of private individuals.”<sup>800</sup>

Railroads had from their first appearance been considered common carriers, both in England and in the United States;<sup>801</sup> and, this being the case, many failed to see why railroads should not, like other common carriers, be subject to legislative regulation. That railroads, though constructed by private corporations and owned by them, were public highways, had been the doctrine of nearly all the courts since the earliest days of railroad construction.<sup>802</sup> Because they were public highways for the public benefit, the right of eminent domain had always been given to them;<sup>803</sup> and courts had frequently held that the public had an interest in such roads, whether they were owned and operated by a private corporation or not.<sup>804</sup> Because railroads performed public duties and functions and were indispensable to the public interests, the state legislature could rightfully tax or authorize taxation for the purpose of aiding railroads.<sup>805</sup> The United States supreme court in 1872 expressed this doctrine in the following words: “A railroad built by a state no one claims would be anything else than a public highway, justifying taxation for its construction and maintenance, though it could be no more open to public use than is a road built and owned by a corporation. Yet it is the purpose and the uses of a work which determine its character.”<sup>806</sup>

The railroads reaped all the benefits of their quasi-public character, but in the matter of business management they claimed to be private corporations subject only to such provisions as were to be found in their charters. The railroads may have had some reason to fear the legislatures of the time. On

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800. James A. Garfield, “The Future of the Republic, its Dangers and its Hopes;” 5 *Legal Gazette* (Phila.), 408-9, Dec. 19, 1873.

801. See Redfield on Carriers and other Bailles (Cambridge, 1869), ch. 3, “Railroads Common Carriers,” and cases there cited.

802. *Alcott vs. The Supervisors*, 16 Wall., 678.

803. *Sharpless vs. The Mayor of Philadelphia*, 21 Penn. State Reports, 147, 169-170; decided 1853.

804. *Ibid.*, 169; 2 Mich., 427; 18 Minn., 482; 56 Ill., 377-379; see also 3 Wall., 654, 663, and cases there cited.

805. 21 Penn. State Reports, 147; 2 Mich., 427; 3 Wall., 654; for arguments contra, see 20 Mich., 462.

806. *Alcott vs. The Supervisors*, 16 Wall., 678, 696.

the other hand, the people had grievances against the railroads, some imaginary and unfounded, perhaps, but many were very real and substantial, and particularly in the western states the people were in no mood to permit court decisions of the past to stand in the way of redressing existing wrongs. Lawyers who had not forgotten the Dartmouth College decision began in some places to find themselves ineligible to the elective judiciary.<sup>807</sup> The courts had always in the past been ready to protect the corporations in their chartered rights, but the people now began to demand that the courts should be equally ready to insist that they perform faithfully to the public those duties which were the objects of their chartered powers.<sup>808</sup>

The granger movement was an attempt on the part of the people to secure control over railroad corporations and to prevent extortionate and discriminating rates by legislation, which, according to the usually accepted understanding of the Dartmouth College decision, would be unconstitutional. The granger states were those whose legislatures enacted such laws and provided means for their enforcement. Cases involving the constitutional rights of state legislatures to regulate railroad rates soon came before the United States supreme court from three of the four granger states, namely, Iowa, Wisconsin, and Minnesota.<sup>809</sup> The railroads contended that state laws fixing maximum rates, or authorizing railroad commissions to do so, were unconstitutional, because they impaired the obligation of the charter contract, because they virtually deprived the corporations of property without due process of law, and, finally, because such laws were a regulation of inter-state commerce over which Congress had been given exclusive jurisdiction.<sup>810</sup> The constitution of the state of Wisconsin reserved to the legislature the right to amend or repeal charters.<sup>811</sup> The railroad corporations here argued that this reservation clause must be construed in connection with the fourteenth amend-

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807. Martin, *History of the Grange Movement* (1873), p. 335.

808. See 56 Ill., 365, 379.

809. From Iowa, 94 U. S., 155; from Wisconsin, 94 U. S., 164, 179, and 181; from Minnesota, 94 U. S., 180 and 181, note.

810. *The Chicago, Burlington and Quincy Railroad Company vs. Iowa*, 94 U. S., 155, 158, ff.

811. Const. of Wis., Art. 11, sec. 1.

ment of the federal constitution, for the right to a reasonable compensation for their services was not a franchise or privilege granted by the state, but an inherent right which could not be abridged or impaired by the state,—the question of reasonableness was not for legislative but for judicial determination.<sup>812</sup>

The supreme court, however, followed the decision it had just rendered in the case of *Munn vs. Illinois*.<sup>813</sup> In this case it had held constitutional an Illinois statute which fixed the maximum charges for the storage of grain in warehouses at Chicago and other places in the state having not less than one hundred thousand inhabitants. The court asserted that, under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his property; when the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of such interest, submit to be controlled by the public for the common good as long as he maintains the use; of the propriety of legislative interference within the scope of legislative power, the legislature is the exclusive judge.<sup>814</sup>

In applying the principle of this decision in the railroad cases the court disappointed the railroads, for they had relied on the *Dartmouth College* decision as a precedent. It had been so long judicially declared that it was supposed to be no longer open to discussion, that charters of private corporations were inviolable contracts, protected by constitutional guarantees against legislative interference.<sup>815</sup> The decisions in the granger cases did not overrule the *Dartmouth College* decision, but they did assert the general principle that a legislature has a right to regulate the compensation for the use of all property and for services in connection with it, the use of which affects the community at large, even though the charter of a company confers upon it the right to charge reasonable rates.<sup>816</sup> The

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812. *Peck vs. Railroad Company*, 94 U. S., 164, 167.

813. 94 U. S., 113; decided 1876.

814. *Ibid.*, see summary.

815. See *Stone vs. Wisconsin*, 94 U. S., 185, dissenting opinion.

816. *Ibid.*, 186.

railroads could no longer seek refuge behind the "impregnable barrier thrown around all rights and franchises derived from the government" by the Dartmouth College decision.<sup>817</sup> As public highways and common carriers, they were held subject to state regulation, and thus were "practically placed at the mercy of the legislature of every state."<sup>818</sup>

Later decisions have modified to some extent the principles laid down in the granger cases, and afford the railroads ample protection by a liberal interpretation of the fourteenth amendment, which makes the federal judiciary the final judge as to the reasonableness of rates prescribed according to state law.<sup>819</sup> But since the granger movement in the early seventies and the decisions handed down by the federal supreme court in the granger cases in 1876, the railroad corporations have not laid claim to vested rights beyond reasonable legislative control.

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817. 1 Kent's Com., 392, first edition.

818. 94 U. S., 185. See C. F. Adams, *Railroads, their Origin and Problems*, pp. 127, 129, 147.

819. *Chicago, Milwaukee and St. Paul Railroad Company vs. Minnesota*, 134 U. S., 418, decided March 24, 1890; see dissent by Justice Bradley, p. 461, ff. *Reagan vs. Farmers' Loan and Trust Company*, 154 U. S., 362. *Smyth vs. Ames*, 169 U. S., 466.



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## THE FIVE MILLION LOAN.\*

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BY WILLIAM WATTS FOLWELL,

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The granting of public lands by the national government to aid in the construction of railroads, beginning in 1850, did not become an established policy till 1856. In the congressional session of that year, after elaborate debate, thirty grants carrying some 15,000,000 acres were made, about equally divided between the South and the West.

When Minnesota appeared as an applicant for admission to the Union as a state a year later, the moment was naturally regarded as an appropriate one to renew her request for a railroad grant. The fact that the territory had been deprived of a generous benefaction three years before, through no fault of her own, but by the mistake or misconduct of persons tampering with the bill of June 29, 1854, aroused a degree of prejudice in favor of her renewed claim. It was true that the Minnesota and Northwestern Railroad Company was still contesting the right of Congress to repeal the grant; but Congress, having passed the act of repeal, could not charge the grant against Minnesota.

It did not require extraordinary effort to secure the passage on March 3, 1857, of a bill carrying a generous land grant for Minnesota railroads. The bill was peculiar in that it did not make a grant to the state (then territory) of Minnesota, to be disposed of freely by her legislature, but designated in a general way the routes of the roads to be built, and constituted the territory and future state the trustee and agent for the government for its purposes. It provided that the lands, being "every alternate section, designated by odd numbers, for six sections in width on each side of the roads," could be sold only in batches of sections, as building progressed, and that all lands

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\* Read at the Annual Meeting of the Minnesota Historical Society, January 16, 1911.

not sold for the purposes of the act within ten years should revert to the United States.

If the reader will be at the trouble of tracing on a map of Minnesota the routes named in this act, he will perceive that taken together they formed a well-devised scheme for a primary system of Minnesota railroads. He will remember that northern Minnesota was to remain for many years a wilderness. The system comprised four elements: first, the line of the Great Northern railway, crossing the state westwardly, and its greater branch to St. Vincent on the Red river and international boundary; second, that from St. Paul up the Minnesota river to continue southwest to the Missouri river, with a branch via Faribault to the Iowa line; third, a route from Winona to St. Peter, thence pointing westward; and fourth, a portion of the well-known line of the Southern Minnesota.

The scheme was an ambitious one, in marked contrast with the more reasonable counsel of Governor Gorman, that the first effort be to secure a single road connecting with the outside world. But it was struck out in the boom period preceding the panic which came on in the late summer of the same year. It was no time for timidity nor even moderation in business ventures.

There had been chartered by special legislation, previous to 1857, fifteen railroad companies; and nearly as many more were incorporated in that year. Had all built their contemplated roads, the state would have been thoroughly "grid-ironed." Probably all the companies had hopes and some expectation of being aided by land grants. That all would be, was of course impossible. To establish a condition under which the fittest might survive and flourish, the leading spirits of four interests "got together," and worked out a plan for a railroad system which would reach all the principal centers of business, concentrate the largest possible amount of interest, and eliminate much undesirable competition, political as well as commercial.

Of this "combine" of corporations, three existing and one inchoate, the Honorable Edmund Rice of St. Paul, brother of the Minnesota delegate, was the leader. The incorporators were mostly Minnesota men, among them the head men of both

political parties and representatives of the largest towns. The few names of eastern gentlemen indicated the expectation that fiscal co-operation would be needed from that quarter. It was the belief of Minnesota people that the system of roads was to be so greatly under home control that no clique of outside investors could dominate it. The united interests were so influential at Washington that they easily dispersed the slight and disunited opposition and triumphantly carried through the just mentioned bill, virtually conveying to themselves near six million acres of public lands.

Governor Gorman, in the last days of his service, called an extra session of the legislature of 1857 to meet on April 27. From the opening hour all interest centered on three railroad bills, which had been drawn up by the skillful attorneys of the parties chiefly interested. Governor Medary embodied the text of the act of Congress of March 3, granting the lands, in a special message, and counseled strict conformity to its provisions and careful protection of the public interest. A bill accepting the trust of the general government was promptly passed. The conditions of this trust were such that small discretion was left to the Minnesota legislature. There was some skirmishing in the chambers to secure additional branches and locations of routes so as to pass through certain towns, which was quite ineffective. After sufficient delay to allow opposition to expend itself in unwelcome amendments, the three bills were passed in a bunch about the middle of May, by votes practically unanimous. The newspapers of St. Paul abound in allusions to the presence of crowds of outside speculators, "moneyed vultures," keen for plunder, but their efforts seem to have been confined to looking out for townsite interests, and for railroad connections eastward. Congress had put the division of the land beyond their power.

A proposition submitted to the House early in the session for a consolidated bill had been lost by the odd vote. No sooner, however, had the separate bills been carried through to third reading than there was a general desire to have them merged to one "omnibus" bill. The House had passed a bill to encourage the destruction of gophers and blackbirds and sent it to the Council for concurrence. The latter body, in



committee of the whole, made merry with the measure by amending the title to include the "Sioux Indians," and Rolette moved its reference to the military committee. On May 20, the Council went into committee of the whole for the further consideration of this bill, and after some time spent therein reported an amendment, striking out all after the enacting clause, and inserting an omnibus railroad bill vesting the land grant in four corporations. The amendment was agreed to and the title changed to correspond. The next day the message of the Council announcing its concurrence in the House bill to encourage the destruction of gophers and blackbirds, with an amendment, was received by the House. A ruling of Speaker Furber that the so-called amendment was not truly such, but was entire new matter, was appealed from effectively, by a vote of 28 to 8. There were but three negative votes on concurrence. The act thus passed and promptly approved, forms chapter I of the Session Laws of 1857, entitled "An Act to execute the trust created by an Act of Congress \* \* \* and granting certain Lands to Railroad Companies therein named."

The division into three sub-chapters indicates the make-up of the act by simple assemblage. The first of them incorporates the Minnesota and Pacific Railroad Company, and empowers it to build from Stillwater via St. Paul and St. Anthony to Breckenridge on the Sioux Wood river, with a branch from St. Anthony via Anoka, St. Cloud and Crow Wing to St. Vincent, near the mouth of the Pembina river.

The second sub-chapter authorizes the existing Transit Company to build from Winona via St. Peter to the Big Sioux river south of the forty-fifth parallel of north latitude.

The last of the three subdivisions embraces two companies: (1) the Root River Valley and Southern Minnesota Railroad Company, empowered to construct a railroad from La Crescent up the Root river valley to a point of junction at Rochester with the Winona and St. Peter, also another line from St. Paul and St. Anthony, via Minneapolis, up the valley of the Minnesota river; (2) the Minneapolis and Cedar Valley Railroad Company, authorized to build from Minneapolis via Mendota and Faribault to the south boundary of Minnesota, west of range sixteen.

To each of the companies severally the act assigns all the estate and interest of Minnesota in the lands granted by Congress in aid of railroad construction for its particular route or routes, under certain conditions. So soon as any of them shall have located its line, it is to have absolute title to one hundred and twenty sections, and thereafter to a like amount whenever twenty continuous miles shall have been completed, to be free of taxes so long as they remain in the possession of the companies; and in consideration of the grants, privileges and franchises conferred, the companies are required to pay annually into the state treasury three per centum of their gross earnings in lieu of all taxes and assessment whatever.

When the legislature of 1857 broke up on the 15th of May, the members dispersed to their homes to congratulate their constituents upon the prospect of the immediate beginning of railroad building and the ensured development of a great system of a thousand miles or more in the course of a few years.

A cloud was soon to cover this bright prospect. The panic of 1857 struck the country late in August. It fell upon the West with extreme violence. Not one dollar could these four Minnesota railroad companies raise. Their interests in the lands were only expectant. They must each survey and locate at least twenty miles before title could pass to a first batch of 120 sections. At five dollars per acre these would be worth \$384,000. It would require great faith in a capitalist to lend more than half this sum on wild lands in good times. With millions of acres of railroad lands offering in the market in other states and territories, neither large nor rapid sales could be expected. The Transit Company offered all its lands between Winona and Waseca, some 500,000 acres, at one dollar an acre, and found no buyers.

If the stockholders had been disposed to pay in a large per cent of the face value of their shares, the slump in business made it impossible for them. Many of them could not save their private fortunes from the wreck. The people of Minnesota felt sorry for themselves, and extended their sympathy to the members of the corporations which had planned generously for the public advantage and their own.

During the fall months of 1857, the people were occupied

with the question of ratifying their new constitution, with the election of representatives to Congress, and with the choice of a legislature, which would have the selection of two United States senators. The railroad interests were naturally alert to discover any possible escape from the mire into which they had sunk. They of course had no money. There was almost none in the Territory. The military and Indian disbursements furnished the little in sight. Could the companies but survey and locate each a twenty-mile section of road they would receive each 76,800 acres of land, which could be sold or hypothecated. Could they build and set in operation twenty miles, as many more acres would fall in, and the business begun would yield an income. Population would flow in, cultivation extend, towns develop, and land values, especially those of railroad lands, would mount. In the course of a few years Minnesota would have a great railroad system worth millions which had not cost her a cent.

All that these companies lacked was a start, just a little sum to locate and build, say, fifty miles apiece. The whole state was interested; why should not the state, following the example of the national government, assist these worthy enterprises, of so much account to her? Other states, as Illinois and Missouri, had rendered such assistance to railroad construction. The proposition was not novel.

But there was the state constitution, forbidding the legislature to contract a debt in excess of \$250,000, and requiring that, in case a debt were made, the legislature should in the same act provide for a tax sufficient to cancel it within ten years. A loan of money by the state was out of the question.

The framers of the constitution had borrowed from that of Wisconsin a paragraph reading "The credit of the state shall never be given or loaned to any individual, association, or corporation." This prohibitory provision furnished a clue. It appeared to suggest that there was such a thing as loaning "credit," without incurring liability for ultimate payment and thus making a debt. The case of an indorser protected by ample collateral, duly assigned, was quoted. Could not the state take some such part? And a scheme was worked out, by which the state was to furnish her promissory obligations to

the railroad companies, who should obligate themselves to pay principal and interest and to secure the state against possible responsibility. The state was merely to furnish "accommodation papers" to wealthy corporations in a pinch for ready cash, taking ample security.

The "Five Million Loan bill" in the eighth Legislative Council, on the 24th of February, 1858, met with no opposition; and it was passed by that body on March 2, by a vote of 24 to 7. Three days later the House of Representatives concurred by a vote of 47 to 24. Some opposition was made, but a favorable report from a select committee of nine secured the passage. Objection was made to such hasty action, one member declaring that the legislature had given more time to changing the county seat of Dodge county than to this important bill. There were then, and later, insinuations, even open assertions, that the legislative bodies had been corrupted. The proof thereof is yet to be revealed. It was not necessary to bribe a body of men so willing to believe in a plausible scheme for which their constituents were clamoring.

The bill, thus passed, proposed the adoption of an amendment to the constitution of the state, still awaiting the approval of Congress. The essential portion of this amendment, only, need be given. It was proposed to add to the paragraph above quoted, "The credit of the state shall never be given or loaned, etc.," for substance, an exception, that to aid the four companies in the construction of their roads, special bonds bearing seven per cent interest semi-annually shall be "issued and delivered" to an amount not exceeding five millions of dollars, as a "loan of public credit." These bonds were to be denominated "Minnesota State Railroad bonds," and the faith and credit of the state were to be pledged to the payment of the interest, and to redemption of the principal thereof. The bonds were to be issued in batches as construction progressed.

The amendment further provided that upon the completion of "any ten miles" of road, ready for ties, the governor on satisfactory evidence thereof, was to issue and deliver to the proper company bonds to the amount of one hundred thousand dollars; and a like amount when "any ten miles" of road should be actually completed, with cars running thereon; and so on,



for further ten mile sections. The state was thus "to loan its credit," and see the good work go on without further concern.

As an assurance that no claim could ever arise against the state, the companies were bound, if they accepted the conditions of the act, to make provision for paying the special state bonds, interest and principal, when due. As security for faithful performance, they were to execute proper assignments of their net profits of operation, to pay interest as it should accrue; they were each to execute and deliver to the governor a deed of trust to the state of the first 240 sections (153,600 acres) of their lands, free from incumbrances; and the proceeds of all sales of these lands were to be applied to the payment of interest and principal, if defaulted, and to form a sinking fund to meet future defaults. Finally, "as a further security," each company was required to transfer to the treasurer of the state an amount of its own first mortgage bonds, corresponding to the special bonds issued to it. These corporation bonds the governor was authorized to sell, in case of default by the companies; and he might also foreclose the mortgages in payment of interest on the special state bonds.

This elaborate amendment to section 10 of article 9 of the state constitution was submitted to the electors of the state on the 15th of April, 1858. For the six weeks intervening, the Loan Bill was the uppermost topic of public and private discussion. There was a remnant of conservative men who did not lose their heads, and they pointed out with unerring foresight the weaknesses and vices of the bill, which experience later revealed to the mass of voters. The legislature had not mistaken the sentiment of their constituents, which had been voiced in numerous public meetings. The greatest effort made by those chiefly interested in ratification was to assure the people that in no conceivably probable event could the state have to come in and pay those bonds. Sixty-seven members of the two houses united in a published statement, pledging themselves individually and collectively to vote against any proposition to levy a tax either for the interest or principal of the proposed loans of public credit. "We claim," they add, "to have removed all probable chance of taxation . . . and we shall resist, as one man, any proposition of the kind."

Senator Rice and thirty-eight Democratic leaders, including Joseph R. Brown and Franklin Steele, published a letter strongly urging ratification; but it cannot be said that the measure was Democratic. Gorman opposed it vigorously, and D. A. Robertson contributed to newspapers a series of strong and clear critical articles. A correspondent writes to Governor Ramsey, "Judge Cooper is raising the devil and making every possible effort to defeat the loan." Mr. Sibley and Mr. Ramsey were both on the directorates of one or more companies and remained silent. The former certainly voted in the negative. The Pioneer and Democrat of St. Paul refrained from comment during the pendency of the bill in the legislature, but before the election advocated ratification in a series of editorial articles, reprinted in pamphlet form. The Republican organ at the capital, The Minnesotian, opposed the loan consistently from the earliest proposal, but the Republican party did not take ground against it.

The election was held as appointed. Few expected any such majority of votes for the loan as was shown by the official canvass, published on the 6th of May, being yeas 25,023; nays, 6,733. Only in a few rural counties were the nays the more numerous. The cities and towns, large and small, gave large majorities for the loan. In the city of Winona, out of 1,103 votes only one was cast in the negative, that of the Hon. Thomas Wilson, later chief justice of Minnesota.

All the people wanted railroads, for the best of reasons. These 25,000 who voted for the "loan of credit," misled by public men who ought to have known better, deceived themselves into the belief that a loan of credit by the issue of bonds did not create a debt, unless in empty form. If the companies should ever default in payment of the state bonds, and their assigned "collateral" should prove insufficient, their confiscable property and franchises would certainly protect the state against ultimate loss.

The four corporations promptly accepted the conditions of the amendments, and immediately there was a great show of activity. By midsummer contracts were let and construction begun. On the 4th of August, Governor Sibley, who had promised in his inaugural message to hold the railroad companies

to a strict and yet reasonable compliance with law, gave them a formal notice to that effect, reciting the conditions of the loan of credit substantially as expressed in the constitutional amendment, with one deviation of importance. This was, that the first mortgage bonds of the companies, to be transferred to the state treasurer in exchange for the special state bonds, should have priority of lien over all other bonds which the companies might issue. The talk was that they would be likely to issue some \$20,000,000.

Two days later the senate by resolution called on the judges of the supreme court for their opinion on the state of the law in this regard. Justice Flandrau, for the court, declined to depart from the traditional usage of deciding cases only as they arise in actual litigation. The Minnesota and Pacific railroad company by its attorney thereupon moved in the supreme court of the state that a mandamus issue commanding Governor Henry H. Sibley to accept its bonds in their usual form without stipulation of priority of lien. Counsel having been heard, the court on November 10th ordered that the mandamus issue, finding in the terms of the amendment no warrant for the demand of the governor. The bill had been purposely and most adroitly drawn so as to exclude such priority. The journals of the houses show that propositions to secure priority to the state had been voted down. The state's bonds were "special bonds," those of the company were not. It was merely obligated to transfer to the state an undistributed amount of first mortgage bonds, that is, as the court held, a bunch separated out of whatever mass of first mortgage bonds a company might issue in the course of its enterprises.

Governor Sibley, as advised by the attorney general, obeyed the order of the court, and presently issued and delivered to the plaintiff company state bonds to the amount then earned. He was counseled by friends to ignore the action of the court and assert the right of the executive, as a co-ordinate branch of the government, to act according to his own best judgment and discretion. Mr. Sibley was capable of such independence, but he doubtless decided to conform, not because the court had commanded, but because he was convinced that it had properly construed the law. He was severely criticised, both

for taking the position he did and for yielding to the court. Governor Sibley got little credit with political opponents, whose principal organ, *The Minnesotian*, charged that, interested as he was in the Minneapolis and Cedar Valley road, he was at least desirous to accept the bonds of the companies as offered, and therefore welcomed the mandamus. It is safe to say that this was but one of a long and continuous series of defamatory exercises in which that newspaper delighted.

It may be added that, but for the action of the Minnesota and Pacific Company, the other three companies would have acceded to the executive demands and made their bonds exchanged with the state a prior lien. In fact, some issues had already been made in exchange for companies' bonds conceding the state's prior lien, though under protest. Had the companies conformed to Governor Sibley's demand and transferred to the state bonds securing to the state an exclusive prior lien, it may be questioned whether the outcome would have been materially changed. The mischief which resulted was not caused by any depreciation of the companies' bonds. They were never worth anything, and could not be in fact a "further security."

The beginnings of construction in the late summer and fall of 1858 were continued in the following season, the contractors accepting from the companies the state bonds at a figure agreed upon, doubtless much below par. The decision of the supreme court had not contributed to maintain their value. About July 1, 1859, all the companies were in extremities. The special state bonds, their only resource, had sunk to such a figure as to be of no further use as collateral. They therefore advised their contractors to cease work, which they did.

The next six months was a period of dejection in Minnesota. The railroad system which in April, 1858, the people believed themselves to be calling into being by the magic loan of the state's credit, had appeared only to sink into chaos. Many persons who had performed labor, supplied subsistence, and furnished tools and materials for railroad construction, were unpaid, or were possessors of state bonds of uncertain and declining value. The distress caused by the continued scarcity of real money was much aggravated by considerable



issues of circulating notes by state banks, based on deposits of the special railroad bonds.

The first state legislature, which did not close its adjourned session till the middle of August, 1858, provided by law that there should be no further session till the first Wednesday in December, 1859, unless sooner convened by the governor. No extra session was called, and the second state legislature convened on the date prescribed. Its proceedings were looked forward to with great interest and some apprehension. Governor Sibley was still in office, and delivered his farewell message in person to the houses in joint convention.

The railroad bonds were of course the uppermost topic. The governor recited the issue and delivery of these bonds, in conformity to the constitutional amendment as judicially interpreted; their failure to acquire a market value, which he attributed to "the determined and mischievous efforts" of Minnesota citizens; the default of the companies to meet the interest as stipulated; and the suspension of work. He informed the legislature that the companies had graded in all 239 miles and 1,893 feet, not very unequally divided, and that there had been delivered to them 2,275 one thousand dollar special bonds. These he declared to be a state obligation, voluntarily assumed. "Minnesota," he said, "will not for a moment tolerate repudiation. Better, far better, that we be visited by pestilence or famine, for these are the instruments of God, for which we are not responsible." Governor Sibley's simple, high-minded counsel was, immediately to acknowledge indebtedness, and emphatically to assure the holders of these bonds that the state would pay in full so soon as in condition to do so.

On January 1, 1860, Mr. Sibley was succeeded in office by Alexander Ramsey, who had been elected in the previous October over George L. Becker. In his message the matter of "transcendent importance" was the special state railroad bonds, which he declared ought to be "rightly adjusted and settled satisfactorily to all parties, upon principles of justice, equity and honor." He submitted a plan for adjustment. Assuming that the state would acquire by foreclosure the properties and franchises of the four companies, he proposed that

new charters of liberal character be granted to parties who would undertake to build thoroughly and substantially 250 miles of road, the state agreeing to grant a bonus of \$10,000 a mile in general state seven per cent bonds, always upon condition that an equal amount of special Minnesota railroad bonds be returned to the treasury for cancellation. The governor was informed that the greater part of these latter bonds were still in the possession or control of the companies, or of "their immediate representatives," the contractors. His expectation was that their stockholders would immediately and eagerly accept the new charters and resume work. The greater proportion of the old bonds would thus be provided for. As for the small remainder, his proposition was to retire them by issuing to holders other general bonds, at a rate to be ascertained by the legislature. The constitution should be amended so as to reduce the amount of bonds for railroad purposes from five millions to two and a half millions.

With characteristic intuition, Governor Ramsey proposed this plan not as ideal, but as one which could be worked. His chief concern was to secure an immediate settlement. Next to that he desired the immediate building of the railroads. He warned the legislature and the people, that if this vexed question were not settled, it would remain to disturb politics, divide the people, and occasion annual corruption in legislative halls. The end he declared would be as in other states; bondholders, who had bought for a few cents on the dollar, would subsidize the press, raise the cry of repudiation, and knock year after year at the doors of the legislature, which, at length worn out by importunity, would vote them great fortunes. "Now," said he, "now is the very time to settle, arrange and adjust these unfortunate and deplorable railroad and loan complications." This man of common sense, amounting almost to genius, never counseled more wisely.

The legislature thus addressed, composed in great part of inexperienced men, was too completely saturated with an existing public sentiment, regarding these bonds, to give much heed to sound business counsel. The public had been assured, by none more emphatically than by the agents of the four companies, that the state railroad bonds were really evidences of

company debt, amply covered by company securities. The people took them at their word, and held them to the faith thus inculcated. The bonds were special bonds, known so to be by all takers, who took risks. They, the takers, were perfectly aware of this understanding on the part of the people, who had given expression to it at the election of April, 1858.

The Minnesota people of 1859, believing that they had been tricked by the companies into voting for an ambiguous constitutional amendment, could easily suspect that they never intended to build the roads, but only to do grading enough to secure \$10,000 of bonds per mile. The report was widely spread that the grading done was in detached portions where work was light, that lines were excessively crooked, and grades much too steep, that the tracks were in places below high water mark; in short, that they were generally skimped and totally unfit for superstructure. In some places even the right of way had not been legally acquired. It was believed that certain experienced contractors had worked their will with the incompetent officials of the companies. Over all was the bald truth that all the state had to show for two and a quarter millions of special bonds, to say nothing of the land grant, was 240 miles of discontinuous, ill-executed grading.

Imbued with this sentiment and sharing in it, the legislature appointed a joint committee of sixteen to consider and report on railroads, railroad grants, and Minnesota state railroad bonds. This committee was unable to come to any agreement. Six reports were submitted, each accompanied by a proposed constitutional amendment. One member, Senator Mackubin, alone proposed a full payment of principal and interest, but with an apparatus of redemption much too complicated to be comprehended by the wayfaring man. All other propositions contemplated "adjustment" and scaling down.

If the best heads of the two houses for such a business could come to no agreement, the members at large were less likely to, and they did not. Weeks passed in unprofitable discourses and projects. There was but one thing which that legislature could at length agree upon touching these bonds. It could, in sea phrase, simply "clap a stopper" on the whole proceeding, and leave successors to wrestle with the problem, which it had

vainly essayed to solve. It took two amendments to article 10 of the state constitution to effect this. The one was to expunge from the constitution the amendment of 1858, authorizing the loan of public credit by means of special bonds; the other was an addition to section 5 of the same article, declaring that any law to levy any tax or make provision for paying the special bonds should have no effect until adopted by a majority of electors voting thereon. Both these amendments were ratified November 6, 1860, the former by a vote of 19,308 to 710, the latter differing but slightly.

At this point mention must be made, and that only, of a series of events closely related to the Five Million Loan.

In the summer of 1860, Governor Ramsey foreclosed the mortgages of the defaulting railroad companies, and at the public sales bought all the properties and franchises of each for the sum of \$1,000.

The legislature of 1861 generously restored them all to the same companies, requiring each to deposit with the state treasurer the sum of \$10,000 as a guarantee fund.

One company, the Minnesota and Pacific (predecessor of the Great Northern Railway) put up the money and built fourteen hundred feet of track, over which it ran its first locomotive to a shed for storage. All the old companies now gave up. In the winter of 1861-62 four new companies were organized, and to them the legislature turned over the land grants under liberal conditions. These companies in the course of time built the contemplated roads.

The vote on the expunging and referendum amendments to the constitution was notice to all the world that the people of Minnesota would at least take time to consider on the payment of the bonds, in which they felt there was no equity. They numbered less than 175,000, but there was indignation enough for a million at the fraud which had been practiced on them.

The war of the slaveholders' rebellion came on, and during its continuance no claimant was absurd enough to waste effort in futile appeals. But no sooner was that struggle over and past, than the legislature began to be bombarded, as Governor Ramsey had predicted. In the session of 1866 bills were intro-



duced in both houses for the payment in full of the bonds. In the same winter an act was passed creating a commission to ascertain and report to the legislature the names of the bondholders, the amounts held by each, and their cost to the then present bona fide owners. The commission was also authorized to receive proposals for adjustment.

It was in the same year that the discovery was made that there were coming to the state 500,000 acres of public land, granted by a forgotten act of Congress in 1841 for internal improvements. No sooner was the favorable action of the general land office made known, than suggestions came from many quarters to devote these lands to paying off the old bonds. Governor Marshall in his message of January, 1867, voiced the proposal, and urged the legislature to pay whatever might justly be due, by using the lands "providentially" placed at their disposal. They willingly responded by the passage of an act creating out of the proceeds of the sales of those lands a "state railroad bond sinking fund." Whenever a sum of \$20,000 should from time to time be accumulated, bondholders might bid for this cash, those taking who offered the most bonds for the least money.

Under the amendment of 1860 that act was referred to the people, who rejected it by a decisive vote. They did not feel sure that Divine Providence had destined those lands to paying for dead horses. It is highly probable that they were moved upon by the report of the state commission. That body listed 1,840 of the 2,275 bonds as reported to them by 106 holders, who, some under oath, and some not, gave the cost to themselves at prices ranging from "more than par" down to 17½ cents on the dollar. Thirteen persons or corporations held 1,414 bonds, and three persons 1,142.

The largest holder was Mr. Selah Chamberlain of Cleveland, Ohio, an important figure in the railroad history of the state. He held 967 bonds, which he averred had cost him "more than par value" in expenses of construction. A question being raised whether he had not been paid, by the three companies with whom he had contracted, excessive prices for work done, the commissioners employed a capable engineer to survey the 120 miles of grading done by him and estimate the

true cost at the time. The estimate of the expert showed the true cost at the time to have been \$341,211, equal to \$2,843.42 per mile. Mr. Chamberlain's bonds therefore appeared to have cost him a fraction over 30 per cent of their par value in work performed.

This revelation did not assure the people of honest administration of the credit they had generously loaned. The proposals for adjustment by holders were exceedingly variant; some demanded all that was "nominated in the bond," others a certain per cent, and a few were willing to take whatever might be allowed to the most favored owners.

The winter of 1868 passed without legislative action, but the session of 1869 was much occupied with a scheme of settlement embodied in the so-called "Delano bill," which, having passed both houses, was presented to the governor on the last day of the session. Governor Marshall declined to give the bill his approval, doubtless for the reason that it proposed to turn over the 500,000 acres of internal improvement lands to the one person for whom the bill had been named, and to give him thirteen years in which to buy up the bonds at his own prices.

Governor Marshall in a special message again urged the legislature to devote "the lands" to the payment of "the bonds." Again he suggested that "providentially the state had in her hands the means of providing for whatever was justly due the holders." Michigan had adjusted a railroad debt of twice the amount, and Illinois one six times as great. The regents of the State University had paid off a debt of \$125,000 with 14,000 acres of land, an encouraging example. He appealed to a great party pledged to equity and justice, to add to its proud record. In his last message, delivered to the legislature of 1870, the same high-minded executive repeated the substance of the special message of the previous winter, again expressing his conviction that "the lands" had been "providentially" reserved to pay off these bonds.

The legislative bodies appear to have been moved by the executive appeals, and set about framing an act for the purpose. When passed, it provided for the virtual exchange of bonds, at par value, for land at \$8.70 per acre. The 500,000

acres at that price would yield \$4,250,000, just about enough to redeem the bonds. The lands turned over were to remain free from taxes for ten years, if left wild so long. This act, as required by the amendment of 1860, was referred to the people, and was ratified by a vote of 18,257 to 12,489.

But again, the bondholders, the high-minded governor, and many citizens, were disappointed. It was a condition of the act that it should not go into operation unless at least 2,000 bonds should be deposited for exchange. Only 1,032 bonds, including those of Mr. Chamberlain, were turned in. At a meeting held in New York, September 1, 1870, the holders of 1,080 bonds resolved "to respectfully decline an offer of less than 25 per cent of their just claims against a debtor able to pay in full."

A year passed and Governor Austin, fresh from the people, expressed for them, in his first message, their surprise at the refusal of the bondholders to accept "so fair and equitable a compromise." "The bonds," he said, "are of questionable validity, and, if not actually fraudulent, are so intimately connected with what the great majority of the people believe to have been a fraud upon the state, as to make them odious.

. . . A large proportion of the bonds cost their present owners but 17½ to 50 per cent of their face."

The legislature of 1871, however, was not indifferent to the clamors of the bondholders and the demands of citizens for some kind of settlement. A bill known as "the Chamberlain bill" was brought forward, and in spite of the absorbing interest of that legislature in the "land-grab" measure for dividing the 500,000 acres among certain railroad companies, which Governor Austin put to sleep by his famous veto, the Chamberlain bill was hospitably treated, amply discussed, and finally enacted.

The leading part in the debate was taken by General Sibley who had consented to leave his retirement to throw his influence and vote in the House of Representatives for some reasonable plan of settling the bond question. His speech was prepared with care, both in English and French, and was reduced to the smallest compass consistent with clearness. He related the story of the issue of the bonds, and the great pains

he had taken, as governor at the time, to require exact and full compliance by the railroad companies with all lawful conditions. He had waived his executive prerogative and obeyed the mandamus of the supreme court. The bonds when issued were rendered valueless by the unholy warfare waged upon them by citizens of the state. The state ought to pay "every cent" of principal and interest. In his peroration General Sibley declared that but for his abiding faith that Minnesota would acquit herself in the premises, he would transfer himself to some community where he would not be subjected to the "intolerable humiliation" of citizenship in a "repudiating state frowned upon by a just and righteous God, and abhorred by man." Although a member of the minority, Sibley's influence overcame opposition, and assured the passage of the bill.

The act as approved was prefaced by a preamble asserting that doubts prevail whether the state railroad bonds are a "just and valid debt of the state," and that the purpose is to determine that question and adjust existing claims. The governor was authorized to appoint three lawyers as commissioners, having the powers of referees in equity procedure. The first duty of the commission was to determine whether the bonds deposited were "a legal and equitable obligation against the state." Should they decide in the affirmative, they were thereupon to award the amount due each bondholder on the basis of their cost to him. The act provided for the issue of new 30-year bonds, with additions of principal so figured in as to make the interest seven per cent, and appropriated all railroad taxes to the payment of such interest, any surplus thereof to form a sinking fund for the extinguishment of the principal. It may be surmised that some votes were cast for this law by members who, without any gift of prophecy, could foresee what fate would meet it at the polls. The Minnesota electors in November, 1871, declared their unalterable resolution not to be taxed for the bonds.

The legislature now had rest for about five years from wrestling with the bond question. At the annual election of 1872, according to Governor Austin's urgent recommendation, the voters ratified an amendment to the constitution forbidding the appropriation of the proceeds of sales of the 500,000 acres of internal improvement lands for any purpose until after



an affirmative majority vote of electors upon any enactment therefor, the people thus reserving to themselves the privilege of deciding upon the destination by Providence or otherwise of that grant.

In the meantime the matter was taken into the courts. In 1873, Mr. Selah Chamberlain brought suit in the United States Circuit Court for the district of Minnesota against the St. Paul and Sioux City Railroad Company and others, demanding a decree in equity that the company should redeem the state bonds held by him, because it had come into possession, by gift of the state, of a portion of the land grant of 1857. It was contended that where the state acquired title and possession by foreclosure in 1860, she took the lands and property of the railroad companies with all their incumbrances. As assets, they were affected by all lawful liabilities. After trial, Justice Dillon dismissed the suit. The companies, he held, received the lands from the state free and clear from all incumbrances. The state was not a surety for the companies, but an original obligee.

Mr. Chamberlain lost his suit, but the court vouchsafed him a sweet morsel of consolation in an obiter dictum. The bonds, said Justice Dillon, "are the legal obligation of the State . . . . they were issued for work actually done upon the the roads at the rate specified in the constitutional amendment. . . . . If the state were liable in the courts . . . . the bonds would be legally enforceable against it. Justice and honor alike require the court to recognize these bonds as binding against it."

Believing doubtless that he could fare no worse in the court above, Mr. Chamberlain appealed his suit to the supreme court of the United States, which in October, 1875, affirming the decision of the court below, followed its example in administering like words of comfort. "The bonds issued," said Justice Field for the court, "are legal obligations; the state is bound by every consideration of honor and good faith to pay them. Were she amenable to the tribunals of the country, as private individuals are, no court of justice would withhold its judgment in an action for enforcement."

It is believed that Mr. Chamberlain's capable attorneys got all they really hoped for in their suit. These casual remarks

of the courts were not decisions. The state was no party to the suit, and was not heard. These obiter dicta had their effect. The state of Minnesota was branded by the supreme judicial authority of the nation as a repudiator and defaulter. She had not done what honor and justice alike required her to do. The effect on the public men of the state was notable. Without distinction of party, they rapidly drifted to the position that Minnesota could not afford to wear that brand of infamy. The mass of the people, however, still hung doggedly to their ancient grudge against the conspirators, who, as they believed, had deceived and defrauded them.

Governor Davis was closing his term of office with the year 1875, a few weeks after the publication of the dicta of the courts. In his final message to the legislature of 1876, after sketching the history of the bonds, he recommended the creation of a board of commissioners to hear and determine the claims of the bondholders, and expressed the belief that the people would stand by the awards. States, as well as men, ought to do justice, and it was no derogation of sovereignty to submit claims against them to arbitration. The United States and Great Britain had composed the Alabama claims that way.

According to Minnesota custom, Governor Pillsbury delivered his inaugural address on the same occasion, and the burden of it was the extinguishment of the state railroad bonds. The bonds were issued deliberately in due form in obedience to a mandate of the people. The state had acquired the franchises and assets of the defaulting companies and had them under her control. She is now able to pay, and the only question is, Will she pay an honest debt? His practical suggestion was to exchange new bonds for the old ones, and to devote the internal improvement lands (which, he adds, have been "providentially" received and kept for the express purpose) to form a sinking fund for the ultimate liquidation of the new obligations. There was no suggestion of compromise or scaling down the bonds.

The legislators, who listened to these recommendations, gave them not the least regard. They evidently did not feel sure that Providence had invited them to dispose of the internal improvement lands in this particular manner. Not a sin-

gle bill, resolution, or report relating to the bonds, is recorded in their journals.

In his message to the legislature of 1877, Governor Pillsbury returned to the charge with vigor. Under the heading "Dishonored Bonds," he recapitulated the arguments, all now familiar, for the settlement of the old bonds. Again he put the question, "Is Minnesota willing to pay an honest debt?"

On February 10, 1877, Mr. Selah Chamberlain presented to the houses a memorial reciting the history of his claim, quoting the opinions of judges upon its validity, and offering to scale it down. He figured the nominal value of each of his bonds on June 1, of that year, to be \$3,110.85 (interest evidently compounded); and, doubtless acting for other bondholders as well as for himself, he made the offer to accept for each the sum of \$1,550 in six per cent bonds to be issued of that date. Before the close of the month a bill was passed agreeing to this proposition, by a senate vote practically unanimous and a house majority of more than two-thirds. A companion bill devoting the internal improvement lands to the payment of the proposed new bonds became a law. Both acts had of course to run the gauntlet of a popular vote; and both were mercilessly slaughtered at the polls.

The legislature of 1878 listened patiently to Governor Pillsbury's paragraphs on "Dishonored Bonds." He deeply deplored the rejection of the proposition of the bondholders, and exhorted to further effort. Repudiation, he assured them, was far more damaging to the state than the grasshopper. With little hope of its ratification the houses passed a bill to exchange "the lands for the bonds," differing only in details from the act of 1877. It shared the fate of that act on referendum.

In his message of 1879, Governor Pillsbury could only express his deep regret at the unreadiness of the people to pay an honest debt, and made no definite proposition. There was no session in 1880, the act for biennial sessions having gone into effect. The year 1881 was the last of Mr. Pillsbury's third term, and he resolved to signalize it with a final effort to rouse the people and their representatives to their duty. Again under the caption "Dishonored Bonds," he marshaled all the

considerations which should impel them to payment of their honest debt. He implored the legislative body to apply itself to the adjustment of the bonds as its solemn duty, and suggested that in the preservation of the half million acres of land, it seemed as if Fortune (not Providence) herself would lure the state from dishonor. The executive appeal had its effect upon the houses which presently got to work on the necessary bills.

The principal act, passed by a two-thirds vote in the senate and a three-fourths vote in the house, is a curiosity in legislation. It started out with a preamble reciting that there were controverted claims outstanding against the state, that these deserved fair treatment and settlement, and that claimants had submitted propositions for adjustment. A "tribunal" consisting of the judges of the supreme court was created, the original duty of which should be to decide whether the legislature had power to adjust and pay the bonds without the referendum provided for in the repudiating constitutional amendment of 1860. If any judge of the supreme court should be disqualified or should decline, the governor was authorized to fill the vacancy by appointing one of the district judges of the state. In the event that the tribunal should decide against the validity of the repudiating amendment of 1860, it should proceed to exchange new bonds, styled "Minnesota Railroad Adjustment bonds," for those outstanding, at 50 per cent of the amount due on the latter, the bondholders each to execute a proper release. If, however, the decision should be that the question of paying the old bonds must be submitted to the people, the act was to be so submitted at the next general election. If adopted by a majority of electors, then the exchange of new for old bonds would follow.

Not one of the five judges of the supreme court was willing to serve on this amphibious tribunal. As the law provided, the governor therefore appointed five judges of the district court in their places. It was the 26th day of July when five district judges, willing to serve and supposed to be individually favorable to sustaining the act, met at the capitol to organize as a tribunal.

The bondholders appeared by counsel, and Attorney General Hahn for the state. The latter at once filed an objection



against the competency of the tribunal. At the same moment the members were served with an order from the State Supreme Court to show cause why a writ of prohibition should not issue. This order had been made upon information of a distinguished attorney, Mr. David Secombe, alleging that the act of the legislature pretending to constitute such a tribunal was unconstitutional. The attorney general was allowed to control the procedure, and to amend the petition for the writ, by adding an allegation that the act was repugnant to the constitutional amendment of 1860 forbidding payment of the bonds unless after an affirmative vote of the people. Under the title of "State vs. Young," the proceedings in the supreme court occupy 121 pages of the 29th volume of the Minnesota reports. The court in its opinion, written by Chief Justice James Gillilan, acknowledged the signal assistance of counsel on both sides, declaring that "it has rarely been the good fortune of any court to have a cause before it so ably and exhaustively presented by counsel."

This is perhaps the most celebrated of all cases which had up to this time come before the court and probably will long remain so. It is not difficult for the careful reader to get at the meat of this decision. The act of 1881, it was held, was not unconstitutional because in conflict with the repudiating amendment of 1860, for that repudiation itself was void. When the state contracted with the bond-buyers in 1858, the right of petition to the legislature existed, and the legislature was at liberty and indeed was bound to provide for the payment of any obligations already incurred. By depriving the legislature of this power, the putative amendment of 1860 "impaired the obligation" of the contracts, a thing forbidden to the states by the national constitution. This conclusion, seriously questioned by able lawyers, was most welcome to all who desired the payment of the old bonds without appeal to popular vote.

The court, taking up the contention that the act in issue was unconstitutional because devolving judicial functions on a non-judicial tribunal, promptly decided in the affirmative, and issued the writ of prohibition.

The roadway was clear for legislative action on the bonds without referendum. Believing that the legislature would be

in the right frame of mind, Governor Pillsbury called it to meet in extra session on October 11. In this expectation he was not disappointed, and soon had the satisfaction of approving a bill passed by very large majorities, after a little filibustering by the dwindling minorities. It would be well for the fair fame of Minnesota if it could be truthfully recorded that this legislation did not cost bondholders a considerable sum of money.

The act was entitled "An act to provide for the adjustment of certain alleged claims against the state," as if it were to be understood that the propositions of compromise, voluntarily made by the bondholders, did not rise to the dignity of "claims" pure and simple. The now customary preamble introduced the act, which briefly provided for the delivery to any of the bondholders new ten to thirty-year four and a half per cent bonds, called "Minnesota State Railway Adjustment Bonds," at 50 per cent of the nominal value of the old bonds. A companion bill, devoting the proceeds of sales of the "providential" internal improvement lands to the liquidation of the new bonds, met with but slight opposition. When voted upon at a subsequent general election, the two acts were ratified by more than two-thirds of the electors, which indicates a change of heart among the people. The signing of the new bonds occupied the last days of Mr. Pillsbury's governorship, a duty he performed with greater satisfaction than any other in his long period of executive service.

The passage of the two bills, however, did not conclude the long struggle over the bonds. There were citizens then, as now, who believed that the bonds, no matter with what regularity and solemnity issued, never created a valid obligation against the state in equity, and never ought to have been recognized nor adjusted. One of these, Mr. David Secombe, sued out an injunction from a court commissioner to restrain the governor from signing the new bonds, to which the latter gave no heed. The same plaintiff later played a last card by bringing an action in the Hennepin county district court to restrain the state treasurer from paying interest on the new bonds. The ground of the action was the allegation that the constitutional amendment of 1858 purporting to authorize the original issue was void because not adopted by the people according to the provisions of the state constitution regarding amendments.

The pretended amendment was proposed, voted on, and proclaimed as adopted, before the admission of the territory of Minnesota to the Union, and while such admission was pending in Congress. The territory of Minnesota, it was contended, could not amend a state constitution, which had not been accepted and ratified by Congress.

Justice Mitchell, for the court, made short work of resolving this puzzle, by citing the peculiar language of the Minnesota enabling act, authorizing the people "to form a constitution and state government," and "to come into the Union." The court observed that it was the accepted theory of the time, that Minnesota became a state when she ratified her constitution in October, 1857, and that the legislature then elected was a state legislature. The court, however, did not care for any theory of the matter. The government organized in the December of 1857 was in fact a state government, by the consent and understanding of the people, and technical inquiries regarding irregularities were not, under the circumstances, to be tolerated. Finally it was held that all irregularities had been healed by the Congressional act of admission. This same decision vindicated the legitimacy of the laws (some ninety in number) passed by the legislature of 1857-8 at its first session.

During the twenty-three years between the issue and adjustment of the state railroad bonds few citizens of Minnesota lost sleep because of guilty consciences, and the financial credit of the state was not below that of any of her neighbors. Within a year from the passage of the adjustment act, all but forty-three of the old bonds had been surrendered, of which number fifteen had long been in the treasury. The value of the new bonds issued was \$4,255,000. A large block of these was purchased for the school and university funds, and the cash paid to claimants. Mr. Selah Chamberlain took out \$1,992,053.70; three others, \$715,000; and the remainder was distributed to 175 parties.

On December 8, 1910, the last Minnesota Refunding Bonds, successors to the Redemption Bonds of 1881, to the amount of \$180,000, were solemnly burned in the engine house of the State Capitol. With that ceremony closed the last chapter of the "Five Million Loan."

## THE BEGINNING OF RAILROAD BUILDING IN MINNESOTA.\*

BY JOHN H. RANDALL, ST. PAUL.

The Territory of Minnesota had a very sparse settlement north of Saint Paul in 1856. The Chippewa and Sioux tribes occupied the greater part of that section of the Territory. The majority of the white settlers were south of Saint Paul and along the Mississippi river.

It was not thought there was anything north of Saint Cloud worth going after, save the pine lumber. The lumbermen at Saint Anthony bought large stretches of this timbered land from the government at \$1.25 an acre, and after stripping the timber from the land, leaving what they considered only sand barrens, they refused to pay the taxes and these lands reverted to the State. The result is that the State sees, in the not very distant future, a school fund of some \$100,000,000 from royalties from the iron ore discovered a few years ago underlying this section, making Minnesota one of the richest states in the Union.

When I came into the Territory in 1856, the nearest railroad to Saint Paul was at Galena, Illinois.

March 3, 1857, Congress passed an act to aid in the construction of railroads in the Territory of Minnesota, making a grant of the right of way and of the odd-numbered sections of the public lands within six miles on each side of the located lines of road. One of these railroads was to commence at Stillwater and run via Saint Paul and Saint Anthony to the foot of Big Stone lake and the mouth of the Sioux river, on the western boundary of the Territory, with a branch from Saint Anthony via Saint Cloud to the Red river of the North.

On May 22, 1857, by act of the Territorial Legislature, the Minnesota and Pacific railroad company was incorporated and

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\*Accepted by the Publication Committee, November 11, 1912.



given this grant, with all the rights and franchises that had been conveyed to the Territory by the government.

During 1857 the engineers located the line west to Big Stone lake and north to Crow Wing, finishing the location surveys on November 22, 1857, and turning in their maps to the governor of the Territory and also filing a duplicate copy with the General Land Offices at Washington, D. C., December 5, 1857.

In July, 1857, Edmund Rice, president of the Minnesota and Pacific railroad company, entered into a contract with Selah Chamberlain, of Cleveland, Ohio, to build the road from Stillwater to Crow Wing. He was to begin work October 1, 1857, and to complete the same by September 1, 1859. The part of the road between Saint Paul and Saint Anthony was to be ready for the cars October 1, 1858. Work was carried on for thirty days and then stopped.

In September, 1857, the Ohio Trust Company, of Cincinnati, failed, and the result of that failure was the terrible panic of 1857, which ended all work requiring money, from the Atlantic to the Pacific. At that time there were no banks in Saint Paul, but there were nine broker firms that were doing a banking business. Most of them succumbed to the pressure and went out of business, as there was no money to be had. You could not give away a corner lot at that time, as no one would assume the taxes on any property, and some of us had to go ninety days or more without seeing as much as a five-cent piece; but there was a disposition to stand by each other, so we had our three meals a day and a place in which to sleep.

A new contract was entered into with Mr. Chamberlain in April, 1858. He commenced work again and graded the road from Saint Paul up the river to about opposite Clear Lake, some sixty-two miles, when again he stopped, and as a result the state foreclosed and took over all the property of the Minnesota and Pacific company. From 1858 to 1861 the property was held by the state. To get the road constructed, the state by act of the Legislature turned back the lands and franchises to the Minnesota and Pacific company on March 8, 1861, upon the company depositing ten thousand dollars as a guarantee of good faith that work should be commenced at once and be finished

between Saint Paul and Saint Anthony by the first day of January, 1862.

A contract was entered into at once with the banking house of Winters and Harshman, of Dayton, Ohio, to build this piece of road between Saint Paul and Saint Anthony. Messrs. Winters and Harshman associated with themselves Mr. Elias F. Drake, a lawyer in Dayton, and the president of a small railroad running between Dayton and Cincinnati, and sent him to Saint Paul to care for their interest in the construction of this ten miles of road.

Mr. Drake brought the first locomotive, the William Crooks, into the state, with other construction material, and laid a piece of track fourteen hundred feet long, from the river up on the bank that had been graded by Mr. Chamberlain, and then failed to meet the conditions fixed by the state for the construction of the ten miles, and again the property was taken over by the state.

March 10, 1862, the Legislature made another effort to get the road under way, passing another act, which turned the property over to the same organization, called by another name, the Saint Paul and Pacific railroad company. The contract was renewed with the Dayton firm and the work was completed, and the company commenced its regular business by putting on its train July 2, 1862, starting from its little depot, of seven by nine feet, situated on the railroad bank down near the mouth of Phalen creek, and terminating on the prairie back of the old University building in Saint Anthony.

The conditions as to the lay of the land here at Saint Paul will account for starting the road where they did. A bluff some ninety feet in height at its highest point, thence sloping west toward Jackson street and east toward Trout brook, was on the north side of what was known as the Government road from Point Douglas to Fort Snelling, now Fourth street, and from this road the land dipped into what was called the river bottom. Third Street was laid out on the map as running across this low land. The valleys between this bluff and Dayton's bluff on the east were about four hundred and fifty feet wide, the banks on each side being from forty to fifty feet high. Trout brook (the valley down which the main line of the North-

ern Pacific railroad comes into the city) and Phalen creek (the valley down which the Duluth branch of the Northern Pacific comes) ran down these two valleys. The embankment of the road, from the river up these valleys, was about fifteen feet high. Fourth street was graded to cross this fill, and the next crossing was what is now known as Lafayette avenue.

Kittson's Addition, and other additions laying out this section of the city east of Broadway, were simply on paper; the streets were not graded, and only here and there was a shanty to be seen. For nearly twelve months the passengers had to go to the little depot down on Phalen creek to take the cars for Saint Anthony.

Early in 1863 a contract was made for the construction of a trestle some three-quarters of a mile long, from the levee at the foot of Sibley street to the railroad embankment at the crossing of Fourth street. The trestle was from four feet high at Sibley street to twenty-two feet high where it crossed the creek. It was used by the trains from 1863 till after 1868.

The owners of the bluff north of Fourth street commenced grading their property about this time, and the company bought all of the dirt they could, paying twelve and a half cents per cubic yard, a like sum being paid by the owners to the contractors. This dirt was in part hauled onto the railroad grounds at the west end of the bluff, while the company was grading their property up to Pennsylvania avenue and hauling the other part by cars to fill the trestle at its east end.

In 1864 Mr. Edmund Rice retired from the presidency of the road, and Mr. George L. Becker succeeded him in that office.

The company was buying, in the late sixties and early seventies, the lots lying south of the alley of the blocks between Third street, as laid out, and the river, when the president received a communication from the stockholders of the company, saying, "You are a fit subject for an insane asylum, Mr. Becker, to ever think Saint Paul will be large enough to require a railroad yard of the size you are building." We were paying laborers at that time eighty cents a day, and they were laying up money on that wage.

In 1862 a contract had been made with Mr. E. B. Litchfield, of New York City, to build the branch line from Saint Anthony to Crow Wing and the main line from Minneapolis to Big Stone lake.

The iron for the road under the Litchfield contract was all purchased in England, unloaded at New York, railroaded to Chicago and unloaded there, reloaded and railroaded to Prairie du Chien, which was the nearest railroad point to Saint Paul on the river up to the late sixties, there loaded on barges and brought to Saint Paul, and there loaded on cars at the bank and hauled to its final destination.

I began service with the St. Paul and Pacific company the 2nd of July, 1862. There were three officials in the office, president, secretary, and chief engineer. The treasurer was an official of the First National Bank. My official position was general ticket agent, chief accountant, chief clerk in the engineering department, and paymaster. The outside employees were one conductor, one engineer, one fireman, and one baggageman, with one or two men at the roundhouse. When either the conductor or the baggageman was sick or away, the general ticket agent ran in their stead on the road.

In September, 1862, settlement was made by the engineering department with Mr. Drake, for the Dayton bankers, for the construction of the ten miles of road between Saint Paul and Saint Anthony; and the same month Mr. William Crooks, the chief engineer of the company, was accepted by the government as colonel of one of the Minnesota regiments that went south.

Hard times came on as the result of the war, and the work under the Litchfield contract was very slow. It took two years to build from Saint Anthony to Anoka, a distance of seventeen miles, then another year to reach Elk River, and still another year before the road was completed to Saint Cloud, which was in the fall of 1866, taking four years to construct sixty-five miles of road.

In 1866 a contract was made with De Graff and Company for the construction of the main line from Saint Anthony to Big Stone lake. During 1866 the slough on the Saint Anthony side was bridged, crossing to Nicollet island at its northwest



end, and in 1867 the main channel of the Mississippi river was bridged from the island to the shore on the Minneapolis side. The location was changed and the end of the road was at Breckenridge, which point was reached in 1871, taking four years more.

This was about the first railroad company in the country to construct its line ahead of settlement. Between Minneapolis and the prairie west of the Big Woods there were only two or three small settlements with less than a dozen houses in either. There were no settlers between the Big Woods and the Red river of the North. The first buildings in any of the towns west of the Big Woods were the depots. Litchfield, the first town on the prairie, was largely made up the first winter by moving the houses on runners from a settlement six miles north on Crow river.

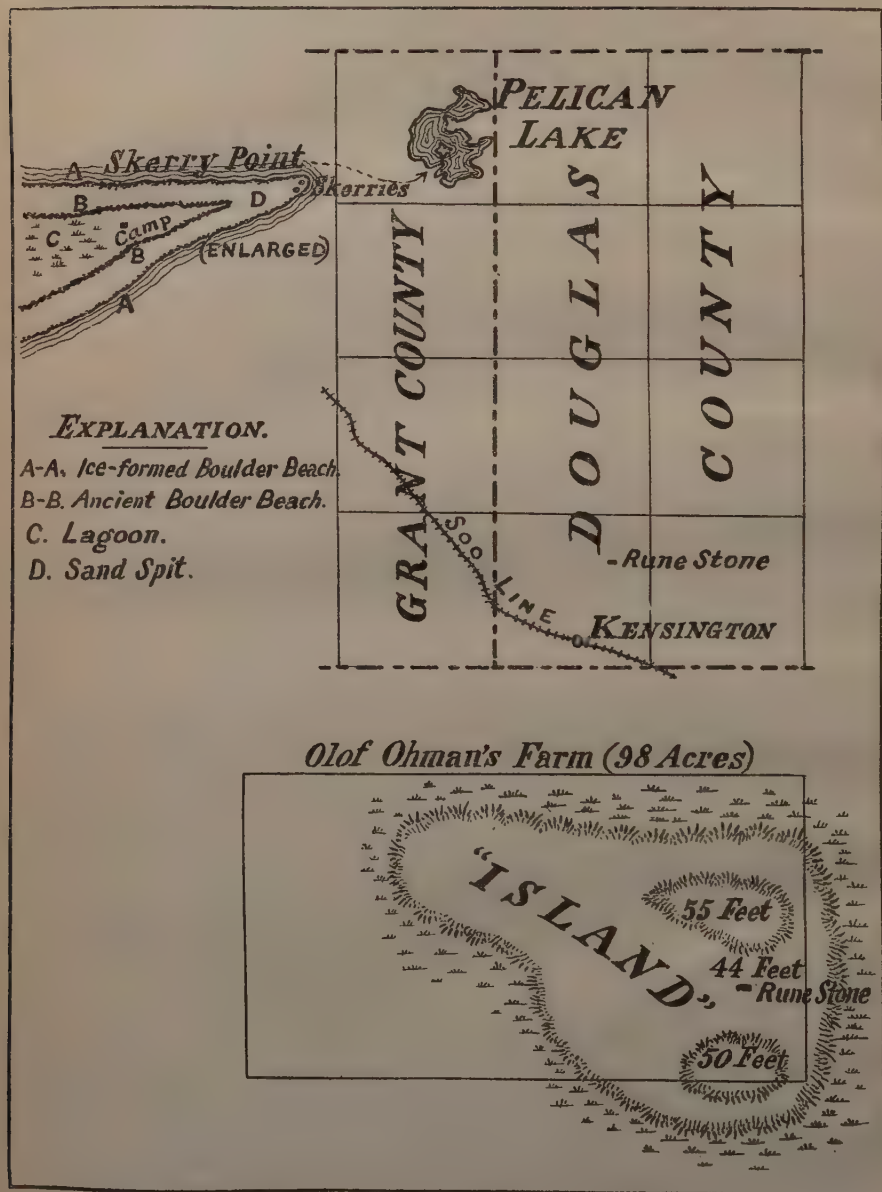
During these early years other roads were being built in the parts of the state lying south and southwest of St. Paul; but the first ten miles, from St. Paul to St. Anthony, of the old Saint Paul and Pacific railroad, now the Great Northern railway, was the first railroad in this great Northwest. In this imperfect way I have sketched the beginnings of this great railway system, and hope I have given some faint idea of what it was to build a railroad in the early days.





(cont'd. p. 10) mms





MAP OF THE VICINITY OF KENSINGTON AND PELICAN LAKE, AND  
 OF THE FARM WHERE THE RUNE STONE WAS FOUND.

# THE KENSINGTON RUNE STONE.

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PRELIMINARY REPORT TO THE MINNESOTA HISTORICAL SOCIETY  
BY ITS MUSEUM COMMITTEE.\*

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As the Museum Committee is charged with the responsibility of making a recommendation to the Society respecting the authenticity or the fraudulent origin of the Kensington Rune Stone and its inscription, it is thought best to review somewhat carefully the facts as to the discovery of the stone. For this purpose the results of the three visits made to that locality by Prof. N. H. Winchell, investigating the subject for this Committee, will here be cast into one statement.

## THE DISCOVERY.

The stone was found on the farm of Mr. Olof Ohman on the southeast quarter of section 14, Solem township, Douglas county, about three miles northeast from Kensington station on the "Soo Line," on November 8, 1898. The owner of the farm was having a patch of land cleared of timber preparatory to plowing, and his men were grubbing out the stumps. There were present at the finding, or immediately thereafter, the following persons: Olof Ohman, his sons, Olof Emil Ohman, 12 years of age, and Edward Ohman, 10 years of age, and Nils Olof Flaaten, owner of the adjoining farm.

The exact location was on the southern slope of one of two knolls which together form the higher part of what has been called an "island," because formerly surrounded by a lake and now surrounded by a grassy marsh. These knolls have an extreme height, above the surface of the marsh, of fifty-five feet, the smaller knoll rising about fifty feet. The stone lay forty-four feet above the marsh. (See the map, Plate III.)

When the stone was found, its inscribed side was down, and about six inches of soil covered it. A poplar or aspen tree

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\* Presented at the monthly meeting of the Executive Council, May 9, 1910; published in advance of this volume, December, 1910.

grew above it, and spread its principal roots about it, running into the ground on opposite sides. On being cut away the stump carrying the roots lay adjacent for some weeks and was seen and noted by several visitors. Estimates as to the size and age of the tree vary somewhat, some stating that it was at least ten years old and others that it was from twenty to thirty years old, and one estimating it as probably forty years old. According to Mr. Sam Olson, of Kensington, this tree was about four or five inches in diameter at about fifteen inches above the stone, and about ten inches in diameter at six or eight inches above the stone. The roots of the tree, especially the largest one which spread over the surface of the stone, were flattened by contact with the stone during the period of their growth. The flattening of the roots is an important feature, as it denotes that the tree had been in contact with the stone during the whole time of the life of the tree.

In the spring subsequent to the finding of the stone Mr. Samuel Olson and a party visited the place and made some excavations where the stone was found, having the idea that the men who were massacred had been buried there, and that the stone was designed to mark their burial place. He saw, and all his party saw, the stump of the tree that grew on the stone. The members of this party, besides Mr. Olson, were the following: Cleve Van Dyke, executive clerk to the late Governor Johnson, then superintendent of schools of Douglas county; J. P. Hedberg, now at Warroad; John M. Olson, who furnished a team, now at Alexandria; Albert Larson, now in Canada; John E. Johnson, of Kensington; Emil Johnson, now at Warroad; Gulick Landsvark, living two miles east of Kensington; and Lars Coldberg, now at Bowbells, N. D.

Mr. Samuel Olson and Mr. John E. Johnson signed a joint statement that the tree must have been at least ten years old, and more likely twenty or thirty years old. The rest of the party have not been consulted,\* but Mr. Joseph Hotvedt

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\*Letters were written later to each of those named. Answers were received from several of the party, all of them confirming the description of Mr. Olson. Letters to others were not answered, or were returned unopened.

stated that he saw the roots and verified the description of their flatness, "such as would be caused by lying against a stone."

Mr. Olson made a drawing to show the appearance of this stump when in contact with the stone. He thinks the largest root ran over and across the stone, but Mr. Olof Ohman was positive that the largest root ran down into the ground at the edge of the stone, and that a smaller root ran across the upper face of the stone. This smaller root he thought was about three inches in diameter.

For the purpose of ocular illustration Mr. Holand later procured on the spot from Mr. Ohman four sections cut across some poplar trees growing on Mr. Ohman's farm, viz., sections shown in Plates IV and V, marked *a*, *b*, *c*, *d*. The certificates of Olof Ohman and of his son Edward, as well as of Mr. Samuel Olson, are given also. The annual rings of growth on these sections can be counted as follows: On *a*, 37 annual rings; on *b*, 42 annual rings; on *c*, 38 annual rings; on *d*, 31 annual rings. From three to five years should be added for the decayed centers.

According to Mr. Ohman the tree had the appearance and rough bark of a stunted growth, illustrated by sections *c* and *d*, on which are about as many growth rings as on the larger sections *a* and *b*. If these sections *a* and *b* fairly represent the size of the tree, and if it still had an annual growth illustrated by *c* and *d*, which certainly were from stunted trees, the age of the tree was probably nearer fifty years than ten years.

*Statement of Olof Ohman.*

[Translation.]

Kensington, Minn., July 16, 1910.

The sections *a*, *b*, *c*, *d*, were all cut on my property in the vicinity of where the rune stone was found, under the same timber conditions. The section *a* is of the same size as the tree which grew over the stone; but both *a* and *b* are from much more luxuriant trees than that which stood over the stone. Sections *c* and *d* are from a tree which in its growth is more comparable with the rune stone tree, but are about three inches less in diameter than that.

OLOF OHMAN.

*Statement of Edward Ohman.*

July 16, 1910.

The section marked *a* is of exactly the same size, as far as I can remember, as the tree under which the rune stone was found.

EDWARD OHMAN.

*Statement of Samuel Olson*

Kensington, Minn., July 18, 1910.

Having seen the four sections cut by Olof Ohman to show the size of the tree under which the rune stone was found, my impression is that the rune stone tree at its base was a little longer in its oval diameter than section *b*, and that it tapered so as to have about 18 inches above the base a diameter a little larger than section *c*.

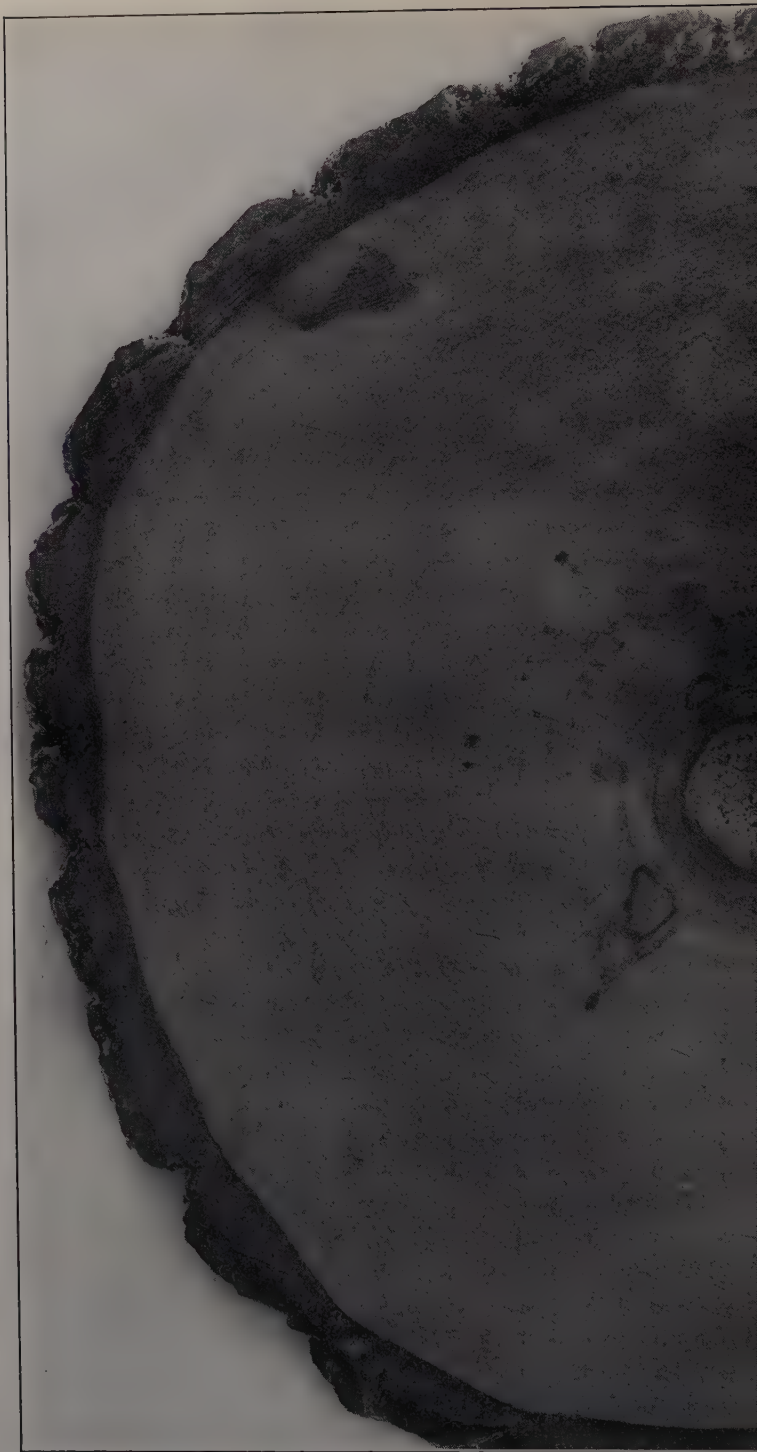
S. OLSON.

It should be stated here that Professor Flom's account of his interview with Mr. Olson carries a misapprehension of what Mr. Olson said as to the size of the tree. Mr. Olson says that he said that the tree tapered so that at 15 or 18 inches above the stone it was about four or five inches in diameter.

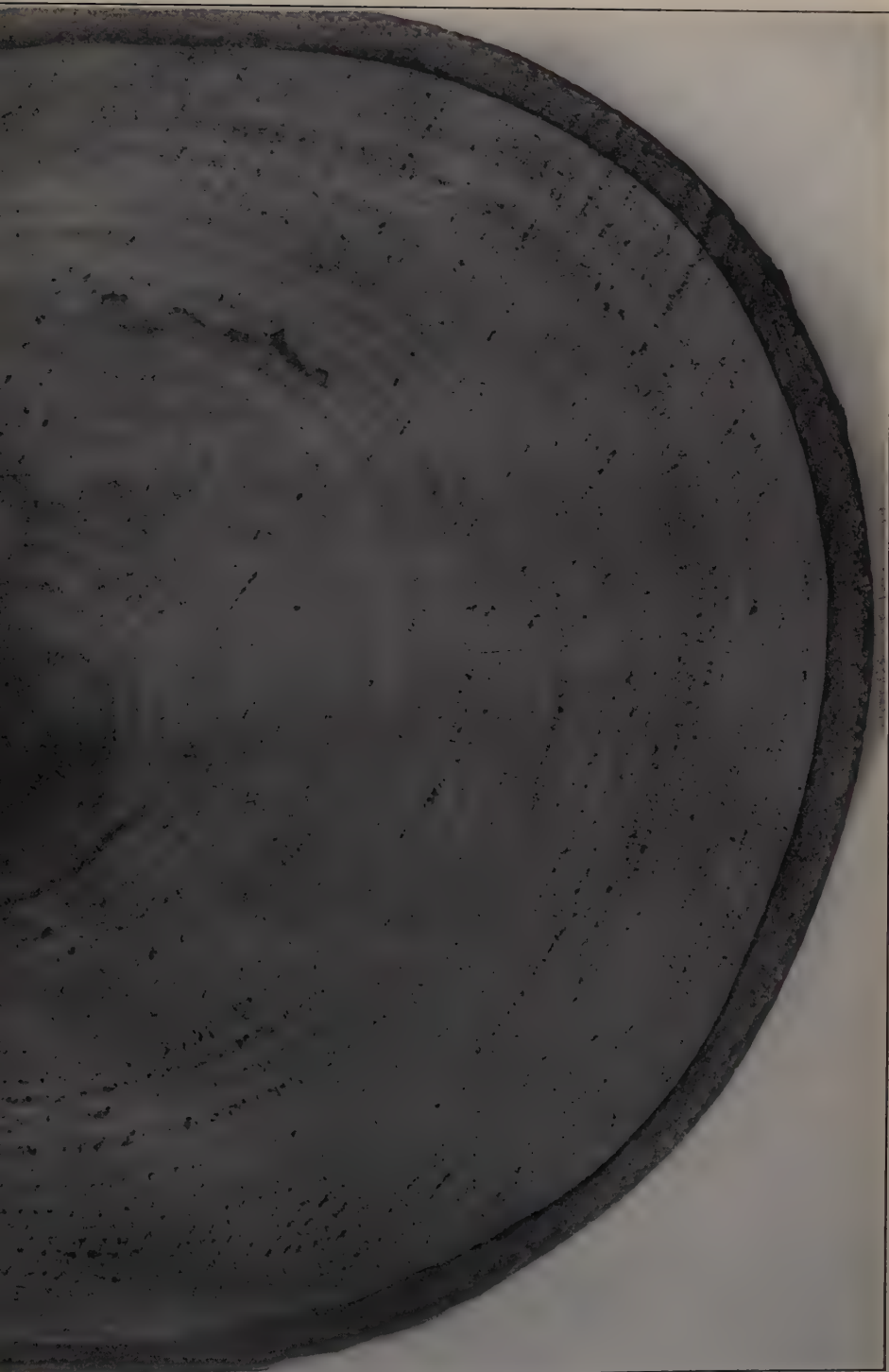
The topography of Mr. Ohman's farm and the adjoining country is morainic, the elevations rising sometimes somewhat abruptly to the height of fifty or seventy-five feet, or even a hundred feet, above the adjoining lowlands. The material of the drift is clay of a limonitic yellow color, but at a depth of fifteen to twenty feet this clay is blue. There are very few boulders in the clay, yet on the tops of some of the drift hills granitic and other boulders are numerous, and sometimes they are found in numbers near the bases of the hills and in the swamps. They are sometimes large and conspicuous, and frequently have been gathered into heaps in the fields. About seventy-five in a hundred of the boulders are of granite; about five in a hundred are of limestone; about five in a hundred are of gabbro or of gabbroid rocks; five in a hundred are of Keewatin greenstone, including Ogishke conglomerate; about five in a hundred are of dark nondescript rock, sometimes quartzose; and the other five in a hundred may be compared with the rock of the rune stone, being some of the various forms of graywacke.







SECTIONS OF POPLAR TREES, SHOWING THE EST  
SECTION A.



SIZE AND AGE OF THE TREE GROWING ABOVE THE RUNE STONE.

SECTION B.



The extreme length of the Rune Stone is 36 inches, the width across the face 15 inches, the thickness  $5\frac{1}{2}$  inches, and its weight is about 230 pounds. It is of graywacke, but its shape and dark color suggest that it is trap. Its flat surfaces and angular jointage are due apparently to long continued heating and slow cooling in contact, or near contact, with igneous rocks. On its inscribed face is a layer of calcite covering a part of the area in which the inscription was engraved. This calcite was deposited in a jointage-opening, probably when the rock was in its native place; and it has been revealed by the removal of an adjoining parallel mass, the joint plane itself causing the even face on which the engraving was made. The reverse of the inscribed side is not so regular and has evidently been through the rough experiences of glacial action, since it bears a number of distinct glacial striae.

The men who found the stone are plain and simple farmers, working hard to derive a subsistence for themselves and families from their land. The honesty and candor of Mr. Olof Ohman become evident to anyone who converses with him.\* He does not speak English readily, but seems to understand English when he hears it spoken in common conversation. He states that his education comprised six terms of school in Sweden, of six weeks each, in an elementary country school, where the children gathered for instruction, first at one farm house for a week and then at another, six weeks in all making one term. I was told that Mr. Ohman came to his farm in 1890, and on consulting the register of deeds at Alexandria I found lands deeded at four different dates, now constituting the Ohman farm, from 1890 to 1898, from Halvor Stenson, Ole Amundson, and E. J. Moen.

After finding the stone, it was exhibited for a time in the drug store at Kensington. It was later sent to Minneapolis and was examined by Prof. O. J. Breda, also to Evanston, Ill.; and was examined by Prof. George O. Curme. As they pronounced it fraudulent, it was returned to the finder in March,

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\*Not one of all who have interviewed Mr. Ohman, whether believers or non-believers in the authenticity of the inscription, has seen any reason to question his veracity.



1899, who placed it carelessly in his yard, where it served as a stepping stone near his granary for eight years, without further notice. In 1907 Mr. Hjalmar Rued Holand obtained it of Mr. Ohman, and has brought it again to notice and wider study. By Mr. Holand it was brought to the attention of the Minnesota Historical Society; and the Museum Committee was directed to investigate its authentic or fraudulent record, and to report their recommendation to the Executive Council. Mr. Holand has since exhibited it in Chicago, Ill., Madison, Wis., and Northfield, Minn., giving in each place a lecture. This has brought out various criticisms, *pro* and *con*, and the burden resting on the committee has considerably increased.

The members of this committee appreciate the great importance of the question which is in their hands, and they know, collectively and individually, that it is due to American history, before they stamp the stone with their approval or their rejection, to make an exhaustive investigation and an impartial discussion of all the circumstances.

#### THE INSCRIPTION.

The runic inscription, shown by Plate II, has been translated as below and published by Mr. Holand in Harper's Weekly, October 9, 1909.

On the face of the stone:

8 göter ok 22 norrmen po opdhagelse fardh fro Vinland of  
vest vi hadhe laeger vedh 2 skjar en dags rise norr fro dhen  
sten vi var ok fiske en dhagh aeptir vi kom hem fan 10 man  
rödhe af blodh og dhedh A V M fraelse af illy

On the edge of the stone:

har 10 mans ve(d) havet at se aeptir vore skip 14 [?] dhagh  
rise from dhen oö ahr 1362

No one has called in question the correctness of this translation. In explanation of the transliteration Mr. Holand writes: "The runic alphabet had only one character, þ, to indicate three, or what became three, different sounds, *th*, *dh*, and *d*. Out of 2,000 runic inscriptions we find only about a half dozen having a separate sign, ʀ, for *d*. This character, þ, was later supplemented by ð, which was used medially and

finally. This however was used only in the literature written in Roman characters, and was never used in runic inscriptions. In most cases this þ has now been superseded by *d*, but there is reason to believe that in the fourteenth century it had a soft sound. I have therefore translated it with *dh*."

The English translation is as follows:

"Eight Goths [Swedes] and twenty-two Norwegians upon a journey of discovery from Vinland westward. We had a camp by two skerries one day's journey north from this stone. We were out fishing one day. When we returned home we found ten men red with blood and dead. A V M [Ave, Virgo Maria], save us from evil.

[We] have ten men by the sea to look after our vessel fourteen [or forty-one?] days' journey from this island. Year 1362."

#### REFERENCES TO THE TOPOGRAPHY OF THE REGION.

There are two or three references to natural objects to which we should give special attention:

- (a) Their camp was near two rocks in the water (skerries), one day's journey north from the stone;
- (b) The location of the stone was on an island;
- (c) The sea was fourteen days' journey from the stone (doubtfully forty-one).

(a) Professor Fossum and Mr. Holand searched about lake Christina, Pelican lake, and other lakes, lying about one day's journey (twenty miles) toward the north. The former found no rocks about the shores which could be accepted as the rocks mentioned in the inscription. Mr. Holand, guided by Rev. O. A. Norman of Ashby, found several large boulders standing in the water about 300 or 400 feet from a sharp point on the southwest shore of Pelican lake, which seemed to him to answer the description. There are twelve or thirteen of them and hence they are too numerous, and for the purpose of locating a camping-place they would hardly be referred to, and certainly would not be at all in accord with the number "two." Mr. Norman remarked, on occasion of a late interview, that the term "skerrie" is applicable to one rock or a series of rocks, and that there are two lines or series of boulders which run

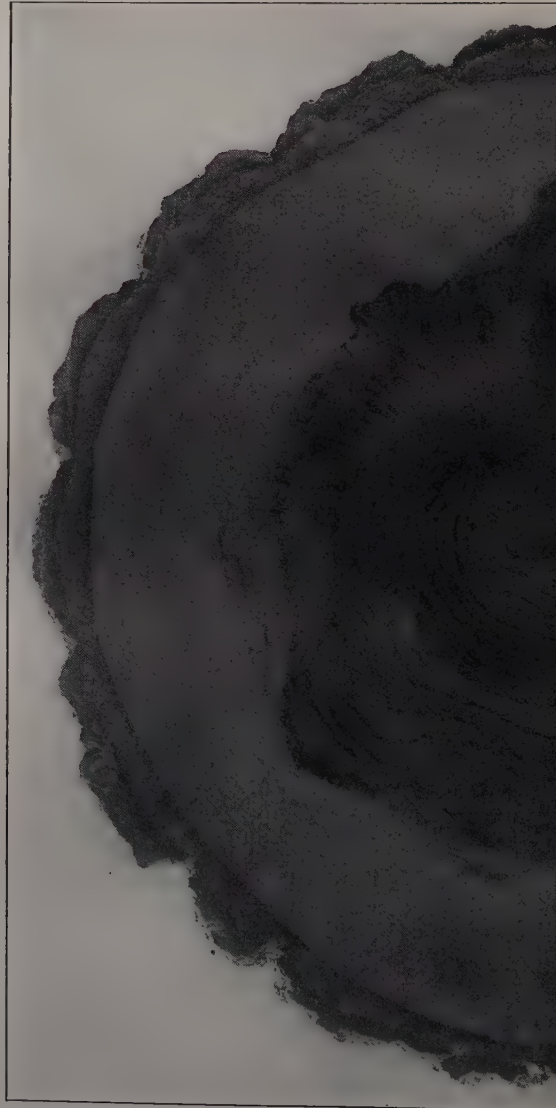
not exactly parallel, and that those lines might be called the skerries referred to in the inscription; but such lines are not distinguishable from the land.

There are, however, on the point itself, at the water's edge and at the extremity of the point, two enormous boulders. One is of red porphyritic granite, cut by a coarser red dike, three inches wide, with dimensions of 6 feet by 4 feet by  $3\frac{1}{2}$  feet, with rounded contours. The other is of gray gneiss, banded with light reddish laminæ, 6 feet by  $4\frac{1}{2}$  feet by 4 feet, irregularly and bluntly angular, showing some brecciation and a pegmatyte vein about an inch wide. These boulders are in the most exposed position, and are very conspicuous objects to anyone standing on the land a few rods farther back. Some small boulders and sand form the immediate breakwater of the beach, and also compose the point itself for some distance inland from the boulders.

This part of the point is liable to destruction by ice and by waves and winds of every season. That it is transitory is proved by the fact that the roots of a small oak are uncovered to the height of fourteen inches above the present surface, and this oak must have started to grow when the surface on which it sprouted was so much higher than now. Under such conditions, at times when the adjoining beach may have been washed away, the large boulders would be surrounded by water. It is also very certain that 548 years ago the lake level was somewhat higher than it is now, and that circumstance alone, without the removal of the stones and sand lying now about the big boulders, would have brought these stones into the water, and would give them exactly the characters required to comply with the inscription. The present beach line is paralleled, on either side of the point, by a higher beach composed of boulders, gravel, and sand, which could have been formed only when the lake was about two feet higher than now. This upper beach fades away into the mainland of the point, but between its arms embraces a small lagoon. If the explorers' camp was on this point, near its extremity, the two big boulders would be chosen very naturally as reference points in the inscription.

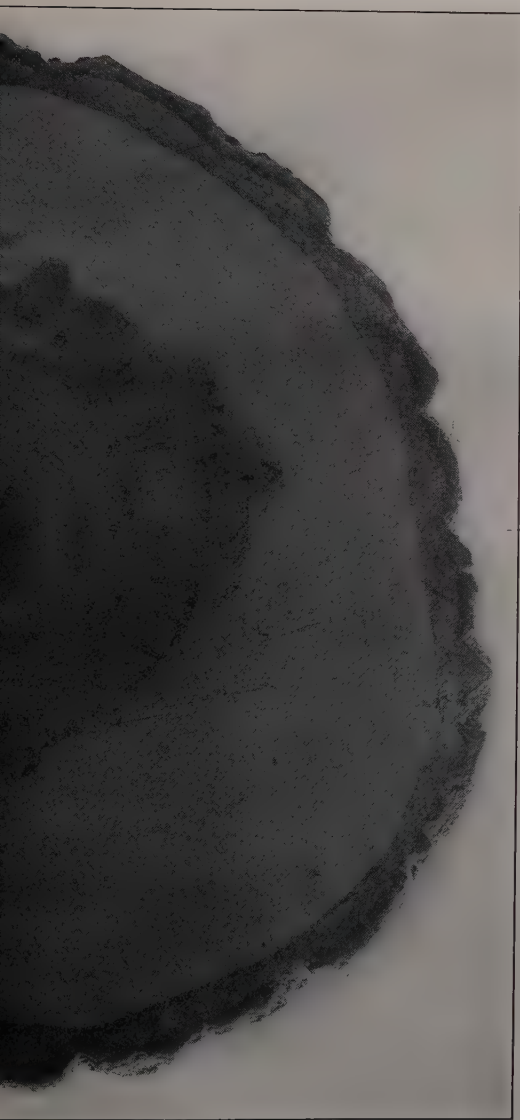


MINNESOTA HISTORICAL SOCIETY.



SECTIONS OF POPLAR TREES OF  
THE TREE GROWING  
SECTION C.





NTED GROWTH, SIMILAR TO  
THE RUNE STONE.

SECTION D.



(b) The stone is said to have been located on an island, but when found it was not on an island. It was on a morainic hill which is now surrounded by a grassy marsh, and which may have been an island in a small lake prior to the desiccation of the country which has converted many lakes into marshes and many marshes into meadows. This gradual drying up of the country is a well-known feature throughout the western part of the state. It has been known and many times noted during the last fifty years throughout the Northwest. If the stone be genuine, therefore, the present disagreement with the facts, as with the skerries, is due to physical change in the surface of the country.

(c) The stone was fourteen days' journey from the sea. At no place could the sea be reached in that space of time, with their means of travel, other than Hudson bay. There is some doubt whether this figure should be 14 or 41, and if it be 41 it would allow the supposition that the party penetrated the country by way of the Great Lakes. There are, however, insuperable objections to such an idea. It is a very improbable suggestion that from any place which may have had the name of Vinland a party would penetrate North America by that route, by sail and by foot, to encounter the natives in a tragic death only in western Minnesota. That suggestion need not be further considered; and the more so, since the route of possible travel, or at least most probable, as shown by the accompanying map (Plate VI) of the regions north to Hudson bay and of the proximity of Minnesota through a well known water route, would have been from Vinland to Hudson bay, and to lake Winnipeg via Nelson river, and thence up the Red river of the North. This map is based on the chart of J. T. Smith, published in 1839 at London, in a work entitled "The Discovery of America by the Northmen in the Tenth Century." By this map it appears that the entrance to Hudson bay is directly west from Westbygd and Eastbygd, the chief settlements of Greenland, and could hardly fail of being well known. It is the route which the ships of the Hudson Bay Company followed for about

three hundred years in reaching the region of furs tributary to Hudson bay.

#### WHERE WAS VINLAND?

It will be noted that, according to Smith's map, Vinland was eastern Massachusetts; and it is customary, in writings dealing with the Northmen's discoveries, to mention three parts of the coast of North America, namely, Helluland, Markland, and Vinland, the last being farthest south. But that there was confusion in the application of these geographic terms there seems no room to question. It seems to be a mere assumption that Helluland was north of Markland, for it is sometimes said to be northeast of Greenland, and even to be duplicated, one to the northeast and one to the southwest, while Rafn has placed one at Labrador and one at Newfoundland. This last made it reasonable to place Vinland much further south (Nova Scotia).

That Vinland was not exclusively Nova Scotia, but still less exclusively Massachusetts, is evident from Joseph Fischer's work, "The Discoveries of the Norsemen in America" (St. Louis, 1903), at page 3, when, in quoting from Adam of Bremen's oldest work, Fischer states that the objections to Adam's tales consisted mainly in a statement like the following:

"After Wineland there is no habitable land in that ocean, but all that emerges is icebound and wrapped in impenetrable mist."

Adam was the earliest, according to Fischer, who called attention to the arctic and North American discoveries of the Northmen, having written in A. D. 1067. Perhaps the objection to Adam's account of Vinland was based by Fischer on an idea of Vinland which grew up afterward without sufficient warrant, and it is necessary to inquire to what land Adam's original description was intended to be applied. It could not apply to the region south of Labrador, but it is applicable to the country north and west, i. e., adjoining Hudson strait and extending into Hudson bay; and it seems to indicate that from the first the Northmen knew something of the ruggedness and inhospitable nature of at least the northern part of Hudson bay. It is perhaps reasonable to presume that at the

first the term Vinland was applied to the whole known coast of North America, and that it was only at a later epoch that it was localized and restricted to Nova Scotia or to Massachusetts. But that would discredit the story of the discovery of grapes by the enthusiastic German, unless it can be shown that grapes grew spontaneously as far north as Labrador.

NOTE.—Since the foregoing was written, the important researches of Prof. M. L. Fernald on the “Plants of Wineland the Good” have been printed (Rhodora, February, 1910), which show conclusively that the “grapes” referred to by the translators of the sagas, were not the fruit of the grape vine (*Vitis*), but some form of currant (*Ribes*), or the wine-berry of northern Europe (*Vaccinium Vitis-Idaea*), and that the last named species is common in northern Labrador. As the so-called “grapes” were gathered so abundantly as to fill their after-boat in the spring of the year, it seems certain that the fruit so gathered was that which is now well known as wine-berry (*Vaccinium Vitis-Idaea*), which is so abundant in the spring as to constitute the food supply for birds when they return from the south. Professor Fernald also shows that the “self-planted wheat,” mentioned as one of the products of Vinland, was the strand wheat (*Elymus arenarius*), having a similar northern distribution. The tree which the Norsemen procured in Vinland, as identified by Fernald, was not maple, but some form of curly birch, probably the canoe birch (*Betula papyracea*). These researches not only confirm the description of Adam of Bremen, but render it probable that the people of Vinland were acquainted with more or less of Hudson bay.

It is well known that students of Norse records have found difficulty in reconciling the statements respecting Vinland, not only as to the name of the discoverer, but as to the nature of the country and its products. It occurs to this Committee that possibly these discrepancies can be reconciled by the supposition that two different eastward-facing coasts have been confounded and considered as one. The earliest accounts are perfectly applicable to the west coast of Hudson bay. The Flatey book states that in Vinland were glaciers, and these are well known about the northwestern confines of Hudson Bay, but are



not found in Nova Scotia nor in Massachusetts, and only scantily in Labrador. The description by Adam of Bremen, and the earlier dates given by the Flatey book, giving Bjarne as the discoverer of Vinland, seem to point to the west coast of Hudson bay. After the lapse of about fifteen years (985 to 1000) Leif's accidental voyage to Vinland took place, and there is reason to suppose that he and his successors visited points on the Atlantic side of North America, but supposed they had visited the country which had already been named Vinland. From his and Karlsefne's sagas, there rose the geographic distinctions of Helluland, Markland, and Vinland, so much spoken of by all later accounts. The Committee has not taken the time necessary to verify or to disprove this hypothesis, and desires merely to call attention to it as a possible solution of contradictions that appear in the historic records, avoiding the necessity of rejecting either as untrustworthy.

Dr. Henrik Nissen, of Minneapolis, has called attention to "characters" described as engraved on the rocks of the shore of Hudson bay, not far from Fort George, and suggests that they may be runes made by the Norsemen.

There certainly was no permanent colonization of Vinland, and according to Fischer all arguments hitherto brought forward to support the idea of colonization by the Norse have proved to be fallacious. The definite history of the voyages to Vinland ends at A. D. 1121, but there is sufficient account to show that until the year 1362 voyages from the Scandinavian settlements in Western Greenland were occasionally made to Vinland. The western settlement in Greenland was about that time attacked by Eskimo and destroyed, and probably within a half century later the eastern settlement suffered a similar stroke. The year A. D. 1406 is the last date given in the Icelandic annals for the arrival of a foreign vessel in Greenland. A colony in Vinland, if it existed, therefore must have perished about the same time as the destruction of the Greenland colonies. In the absence of other evidence, the statement of the Kensington Rune Stone, that a party of thirty men started from Vinland on an exploring tour westward, may be understood to refer merely to a winter spent by the party in Vin-



# SMITH'S CHART OF THE NORTHMEN'S ROUTES WITH REFERENCE TO THE LOCATION OF THE KENSINGTON RUNE STONE

*Track of Naddodd (861) =====*

" *Eirik the Red (982) ----*

" *Biarni Heriulfson (985) ———*

" *Leif Eirikson (1000) .....*

" *Thorvald (1002) -----*

" *Thorstein (1005) ~~~~~*

" *Thorfinn Karlsefni (1007) =====*

" *Biorn Asbrandson (998) ----*

" *Gudleif Gudlaug (1028) -----*

" *Men of Nordiseta (1266) =====*

" *Adelbrand & Thorvald (1285) + + +*

60

50

40

30

North America  
Red River of the North  
Minnesota  
Kensington Rune Stone

Nelson River  
Lake Winnipeg

Hudson's Bay

Lake Superior

Huitramannaland

Biornslund

Vinland's Harbor

Stream  
Gulf

San Salvador

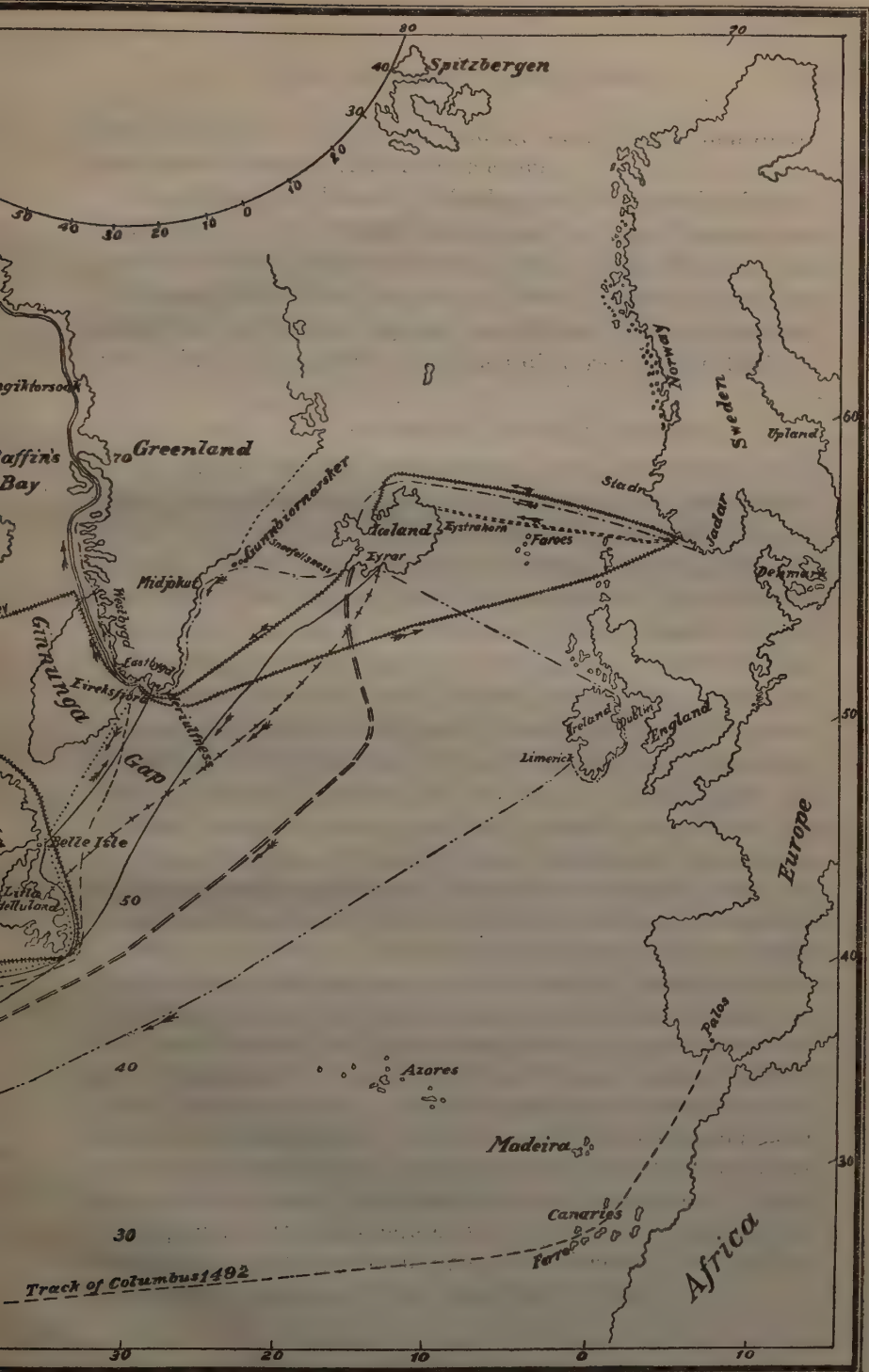
90

80

70

60

50







land, or even to a temporary landing there, rather than to any previously existing settlement or colony.

According to Storm's "Studier over Vinlandsreiserne" (pages 76, 77), an expedition was sent by King Magnus from Bergen in 1355, under the command of Paul Knutson, into American waters, the purpose of which was to defend the Greenland settlements against the Eskimo. It has been supposed that this expedition, or a part of it, returned in 1364.

#### THE SLIGHT WEATHERING OF THE RUNE STONE.

It may be assumed that, if this stone was erected, as it claims, by explorers in 1362, it was set up on end, and that the lower end, where no runes are engraved, was buried in the ground. When it was found, according to the testimony of Mr. Ohman, its inscribed face was downward. Now the lower end of the stone is not cut off squarely, but is roughly beveled on one side. Gravitation alone acting on a beveled stone would cause the base to be diverted to one side, in the same manner as a single-beveled stake when driven into the ground. In settling into the ground, owing to the direction of the bevel, this stone naturally would fall with its face side upward. Its position therefore was determined by some other force than gravitation. Either it was purposely placed with the rune inscription down, which is not reasonable to suppose, whatever its age, or it was acted on by some other force which caused it to fall over forward. We cannot of course state how many forests have grown and been thrown down by tornadoes within the 548 years through which it may have been in the spot; nor how many forest fires have devastated the region; nor how many buffaloes have rubbed against it; nor, finally, to what acts of violence the native Indians may have resorted to counteract its evil influences. Numerous works of the mound-building Indians are known in the immediate neighborhood, and they certainly would have discovered the monument. If they participated in the massacre of the ten men at the camp, they would quite certainly look upon the stone as a retributive threatening reminder of their pale-face victims.

The interior of the stone is dark or dark gray. On close inspection it can be seen to contain many grains of quartz which are roundish, showing a sedimentary detrital origin. In a thin-section, prepared for microscopic examination, it shows not only rounded quartz grains but also feldspar grains, and a finer matrix consisting chiefly of quartz and biotite. The dark color of the stone is due to much biotite, mainly, but also to an isotropic green mineral (chlorite?), magnetite, and hematite. The quartz has become mainly re-formed by secondary growths. There is a crypto-gneissic elongation prevalent in the mica, and also to some extent in the larger quartzes.

The weathered surface is somewhat lighter, and yet it is firm and wholly intact. It is evident that the surface color has been acquired since the Glacial period, and therefore that some 7,000 or 8,000 years may have elapsed since its face was first exposed to the elements. The reverse of the inscribed side is more altered by weathering and carries evident older glacial striations.

The first impression derived from the inscription is that it is of recent date, and not 548 years old. The edges and angles of the chiseling are sharp, and show no apparent alteration by weathering. The powder of the stone when crushed is nearly white. None of this powder is preserved in the runes on the face of the stone, and it is necessary therefore to allow it some years of age, but it is quite impossible to draw a decisive inference of the age of the inscription from that alone. The edge of the stone differs in this respect from the face, since most of the rune letters show the white powder formed by crushing the stone. This difference was said to be due to the fact that the runes on the edge had been filled with mud and had been cleaned out by scraping them with an iron nail. Indeed in the runes in some places on the edge can be seen with a pocket magnifier small quantities of fresh metallic iron evidently derived from that process.

The freedom of the face of the stone from glacial marking is to be noted. It seems probable that the smooth jointage surface on which the inscription is made was of more recent date than 7,000 or 8,000 years. It is plain that the calcite deposit

that covers a part of it was formed in a joint-opening before the stone was separated from its neighbor, and that it has had approximately as long direct exposure to the elements as the rest of that surface. The well preserved condition of this calcite, as a whole, no less than the non-glaciation of the face of the stone, indicates a period of exposure less than 7,000 or 8,000 years. Marble slabs in graveyards in New England are more deeply disintegrated than this calcite, when they stand above the surface of the ground.

The immediate surface of the calcite, especially the edges formed by cutting the runes, is smoothed by a recent friction of some kind, much more than the surface of the graywacke; and this is attributable to wearing away when the stone served as a stepping-stone at the granary.

If the engraved face of this stone was separated from its neighbor since the Glacial age, as seems certain, it must have been in some way protected from the action of the elements; and consequently the calcite is comparable with the white, fine-grained limestone boulders and pebbles that are common in the body of the drift in that part of the state. Such boulders when freshly taken from the till in deep excavations are not rotted, but are fresh and firm and smooth as marbles, and show distinctly the fine glacial scratches which they received during the Ice age, which ended about 7,000 or 8,000 years ago. When, however, they are found exposed at the surface of the ground, they have lost this smoothness and all the glacial marking, and their surfaces afford a fine white powder of natural disintegration. As there is nothing of this on this calcite (which is also the principal ingredient of the limestone boulders), it is evident that either the calcite has but recently been exposed or has been protected from the weather. If the slab was separated from its neighbor 548 years ago, it must have lain with its face side down during the most of that period, and if separated earlier it must have been covered by drift clay. If it was so separated fifteen or thirty years ago, it may have lain with its face side up and probably would show no more weathering than it now evinces. In short, there is no possible natural way to preserve that calcite scale from general disintegration for 548

years except to bury it beneath the surface. If it were not thus buried and still is intact, it must have been exposed and the inscription must have been made less than a hundred years ago, and probably less than thirty years ago.

The general "mellow" color of the face of the graywacke, and of the whole surface of the stone, is also to be noted. This is the first apparent effect of weathering. Graywacke may be estimated to be fifty to a hundred times more durable in the weather than calcite, some graywackes being more resistant than others.

There are six stages of the weathering of graywacke which are exhibited by the stone, and they may be arranged approximately in a scale as follows:

|    |                                                                                              |           |            |
|----|----------------------------------------------------------------------------------------------|-----------|------------|
| 1. | A fresh break or cut                                                                         | - - - - - | 0          |
| 2. | Break or cut shown by the runes of the face                                                  | -         | 5          |
| 3. | Edge-face, which has not been engraved, but was apparently dressed by a rough bush-hammering |           | 5          |
| 4. | The inscribed face of the stone                                                              | - - -     | 10         |
| 5. | The finely glaciated and polished back side and the non-hammered portion of the edge         | - -       | 30         |
| 6. | The coarse gouging and the general beveling and deepest weathering of the back side          | - -       | 250 or 500 |

These figures are but rough estimates and are intended to express the grand epochs of time through which the stone has passed since it started from the solid rock of which it formed a part prior to the Glacial period; and to a certain degree they are subject to the errors of the personal equation of the person who gives them. Prof. W. O. Hotchkiss, state geologist of Wisconsin, estimated that the time since the runes were inscribed is "at least 50 to 100 years." If the figures in the foregoing series be all multiplied by 100, they would stand:

|      |      |      |        |        |                  |
|------|------|------|--------|--------|------------------|
| (1)  | (2)  | (3)  | (4)    | (5)    | (6)              |
| 000: | 500: | 500: | 1,000: | 8,000: | 25,000 or 50,000 |

Since 8,000 years is approximately the date of the end of the latest glaciation (5), the numbers may all be accepted as the approximate number of years required for the various stages



of weathering. Hence stages (2) and (3) may have required each about 500 years.

The composition of the stone makes it one of the most durable in nature, equalling granite, and almost equalling the dense quartzite of the pipestone quarry in the southwestern part of Minnesota. On the surface of this quartzite, even where exposed to the weather since they were formed, the fine glacial scratches and polishing are well preserved, and when covered by drift clay they seem not to have been changed at all.

#### DISCUSSION OF THE AUTHENTICITY OF THE RUNE RECORD.

Owing to the existence of the belief with some that the inscription was made by Mr. Ohman, and the rumors that seemed to confirm that suspicion, a member of the Committee has made three separate visits to the locality, and has examined into all the facts that have a bearing on such supposed origin of the stone. There is no need to rehearse the details of this search. A summary review, however, seems to be called for in order that the result reached by the Committee may be seen to be based on a thorough investigation.

There was a rumor that a man of the name of Ohman had taken part, about fifteen years ago, in the exploitation of a so-called "fossil man" found in Marshall county, in the Red river valley. As the owners of this wonderful specimen disagreed and went into court to settle their dispute, the facts were made a matter of record. On consulting Judges Andrew Grindeland, of Warren, and William Watts, of Crookston, it was found that one of the parties was named O'Brien, and that his name had been confounded with Ohman.

It was rumored that Mr. Ohman had rune books, was familiar with rune characters, made runes on the sidewalk, on window casings and granaries, and was generally regarded as a "queer genius," resembling Uriah Heap, of Dickens. These rumors came to the committee in letters from different directions, and on occasion of the third trip to Douglas county were met with not only at Kensington, but also at Elbow Lake, at Brandon, Evansville, Moe, and sometimes at intervening farmhouses. In order to find the truth of these rumors the whole



region was pretty thoroughly canvassed, and a record was made of all information obtained. These rumors will be treated of separately.

*Rune Books.* It was found that Mr. Ohman had a Swedish grammar, published in 1840, the author of which was C. J. L. Almquist, issued at Stockholm. This rumor was encountered by Mr. Holand, when he was in the neighborhood in 1907, when he procured the stone of Mr. Ohman. He saw the book, when Mr. Ohman was absent, as he asked Mrs. Ohman the privilege of examining Mr. Ohman's "library." He considered that it had nothing to do with the rune stone and discredited the rumor. When, more recently, interest in the stone became more active and the rumor became widespread, it was thought necessary to procure this "library," or at least to get the historical facts about the "rune book." It was purchased from Mr. Ohman for fifty cents, although he reluctantly parted with it, and would be glad to have it returned to him. On the front fly-leaf is written

*Sv. Fogelblad,  
Stockholm, d. 16 Nov. 1868.*

It is a duodecimo volume, and has 472 pages. On pages 117 and 118 are shown sixteen rune characters in vertical column, with their corresponding names and Roman equivalents.

Mr. Ohman, when asked where and when he obtained this book, stated that he got it from Mr. Anderson, who obtained it from a preacher. This was on the occasion of our second visit to Mr. Ohman's house. On occasion of our third visit he also stated that, after the rune stone was found, Mr. Anderson had suggested that he should take it home for the purpose of reading the rune record by means of the rune alphabet contained in it; that he did so, but found more characters on the stone than in the book, and could not translate the record, and that he had not returned the book. It transpired later that Mrs. Anderson and Mrs. Ohman are cousins.

*Sven Fogelblad.* When asked about the name on the fly-leaf at the front of the book, Mr. Ohman said that it was that of a broken-down preacher who used to be at Anderson's farm-

house, and who was then well known in the surrounding region, as he got a precarious living amongst the farmers, partly by teaching their children in little school-gatherings, by binding books, and by little light jobs, but principally by charity. He was always poor, by reason of his fondness for intoxicating liquor. He had his home, so far as he could claim one, at Mr. Anderson's farmhouse, and when he died, which was at the age of about seventy years, in 1895 or 1896, his books were left in the possession of Mr. Anderson. Mr. Samuel Olson, of Kensington, said he never saw Mr. Fogelblad, and is of the opinion that he died prior to his going there fifteen years ago. These points were verified by others. They were carefully followed up, because it had been intimated by some that Mr. Fogelblad may have traced out the runes for Mr. Ohman to carve on the stone, and that the "rune book" formerly owned by Mr. Fogelblad had been the source of the necessary knowledge. (See the Appendix for more concerning Mr. Fogelblad.)

Mr. John A. Holvik, a student of the United Church Seminary, St. Anthony Park, St. Paul, had begun a search for the book which Fogelblad left at Mr. Anderson's at the time of his death, said to have been at the house of Mr. Ohman and to have given aid to the engraving of the rune inscription. After the book was obtained in the investigation by this Committee, he examined it at leisure for two or three days, and wrote the following letter concerning it.

*Letter of John A. Holvik.*

St. Anthony Park, Minn., April 20th, 1910.

Prof. N. H. Winchell, St. Paul,

Dear Sir:

After comparing in detail the Kensington inscription with the book bearing the name of Sv. Fogelblad, I am prepared to make the following statements.

1. The book is a grammar of modern Swedish, published in 1840.
2. It contains some material on the development of the language:
  - (a) A system of runes;
  - (b) Noun declensions of Old and Middle Swedish;
  - (c) Verb conjugations of Old and Middle Swedish;

(d) Short selections to illustrate the language at different periods from A. D. 1200 to the present time.

(e) Selections to illustrate different dialects.

3. The rune system is the Futhork of sixteen characters. The runes of the inscription are the later "punctuated" (stungne) runes.

4. The declensions give the four cases for nouns in Old and Middle Swedish. The inscription has only nominative and genitive forms. Furthermore, the word for ship, used as a type word in the fifth declension, is spelled *skep* in Middle Swedish. The inscription has *skip*.

5. The conjugation gives plural inflection for all verbs in Old and Middle Swedish. The inscription uses singular verb forms with plural subjects.

6. A selection from the fifteenth century gives the constructions: "wi ware . . . . wi hafwe . . . . ." The inscription has "vi var . . . . vi har."

7. A selection from the year 1370 gives the preposition "a." The inscription uses the proposition "po" (which is objected to by some linguists).

8. Some of the rune characters indicate (according to some runologists) that the author of the inscription must be from Dalarne in Sweden. A selection in the book shows the characteristic diphthongs of the dialect of Dalarne; but a characteristic feature of the inscription is the lack of diphthongs.

To summarize: the difference in rune systems, and the so-called "errors" in the inscription, with some parallel correct forms in the book, make it evident that there is no connection between the inscription on the Kensington Rune Stone and the book bearing the name Sv. Fogelblad.

Yours truly,

J. A. HOLVIK.

#### OTHER RUMORS CONCERNING MR. OHMAN.

It was rumored that Mr. Ohman was a stone mason, and hence that he might be skillful in cutting rune letters. There seems to be no truth nor basis for this rumor, other than the natural desire to explain a puzzle. It may have been suggested by some one, asked by another whether true or not, intimated by another, and affirmed by the fourth. Once stated as a fact, it was hence additional evidence, united with the possession of the rune stone and the alleged possession of "rune books," that Mr. Ohman made the inscription on the stone. Mr. Ohman is a carpenter. No one was found who knew of his working as a stone mason, though several were asked.

The rumor that Mr. Ohman made rune characters on the sidewalks, on fences, and on granaries, asking people if they could read them,\* was apparently a very easy one to verify or disprove. And so it proved to be. Everywhere, whenever this statement was made, the question was asked whether the person making it ever knew of Mr. Ohman's making rune characters. The answer was, "No, but Mr. So-and-So can give you the facts. He lives at Brandon, or near Brandon." On arriving at Brandon, where the rumor was prevalent, I was directed to Mr. O——, who was said to know more of the peculiar mental processes of Mr. Ohman "than any man on earth." He at once declared that Mr. Ohman was in the habit of making rune characters, as a joke, and "knew all about runes." Asked to state whether he himself ever saw Mr. Ohman make runes at any time, disregarding the rumor, Mr. O. said he never had himself known of his making runes, but that Mr. Gunder Johnson, about four miles farther south, had known of his making runes. We drove then directly to Mr. Gunder Johnson's farm. The following is copied from our note book, written at the time of the interview:

"Mr. Gunder Johnson says his little testimony is not worth anything one way or the other. He knew Mr. Ohman, who built his house, about 26 or 27 years ago. Mr. Ohman and he were talking about old Norsk one day, and Ohman said there were old letters which were called runes, and Mr. Ohman took a pencil and made some on a board, saying they were runes. Mr. Johnson never knew of his making runes at any other time, nor of any preacher living with Ohman who made runes, nor any living in this country who could make them, nor anyone passing through here who could make them."

Later, when Mr. Ohman was told that people said he made runes on sidewalks and on granaries, etc., he indignantly demanded, "Who said it?" When he was told that Mr. Gunder Johnson stated that he had made them on a board when he worked for Mr. Johnson 26 or 27 years ago, he denied it, but added that he "could not recall any conversation with Mr. Johnson about runes," and that if at any time he had said

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\*According to Professor Flom, it was Mr. Fogelblad who thus amused himself, and he mentioned also evidence that Mr. Ohman thus carved runes. He expresses his confidence in Mr. Ohman's veracity.

anything to Mr. Johnson about runes, "It was because he had learned it in school in Sweden. Every school boy, and every Swede and Norwegian, knows something about runes, but not so as to use them."

So far as we can see, therefore, the common rumor that Mr. Ohman made rune characters on the sidewalks and on fences, in hours of idleness, and was familiar with runic literature, was derived from the simple fact that 26 or 27 years ago, according to Mr. Gunder Johnson, though forgotten by Mr. Ohman, he had made some rune characters for Mr. Johnson with a pencil on a board when he was working on Mr. Johnson's house as a carpenter, in order to show him the kind of letters formerly used by the Scandinavians. The following is also extracted from our field book, bearing on the existence of this rumor.

"I found Mr. Gunder Johnson a very talkative man. I recall it now, and record it for its bearing on the existence and spread of the idea that Mr. Ohman knew runes long ago, had a number of books on runes, and made runic characters on the walks, window casings, and the granary doors about the country. I have traced up, under the direction of those who believed and repeated this story, all the promising lines of evidence, and I have found the report especially prevalent and detailed about Brandon, where Mr. Ohman lived 26 or 27 years ago. I have asked, not for the story, but for positive statements as to whether the parties affirming the story actually knew of Mr. Ohman's making runes. They said they did not, except Mr. Gunder Johnson, and some of them said they knew nothing about it except what emanated either from Mr. O. of Brandon or Mr. Gunder Johnson.

"The incident which seems to have given origin to the rumor was probably dormant until Prof. Breda and Prof. Curme pronounced the stone a fraud, and the stone had been returned to Ohman's farm. Then all the people began to speculate as to how the stone was inscribed. All minds turned to Mr. Ohman. Eight years passed. The knowledge of Mr. Gunder Johnson about Mr. Ohman's making runes, and the fact that he retained the fraudulent stone, were coupled together and seemed to explain each other, springing at once into importance, I have no doubt, through Mr. Johnson. The idea was, very naturally, given broadcast. There was no other possible explanation of a fraudulent rune stone found on Mr. Ohman's farm and kept by him, however indifferently.



"Mr. Ohman is a rather taciturn man, and he took no pains to counteract the report that he was the impostor. One man said that if the rune inscription were genuine, it was a very valuable historic document, and any man would have made it well known as a valuable possession, the inference being that, as Mr. Ohman did not make it notorious, he must have known it was fraudulent. His neighbors made sport of him for keeping, or even for having made, a fake inscription. Mr. Gunder Johnson's knowledge was amplified, as such rumors grow in a farming community, and some intimated that, as Fogelblad was a scholar, he was the man who traced out the runes for Mr. Ohman to cut on the stone.

"More lately, as it became known that Mr. Ohman had "rune books," the story was credited by many who had no knowledge of the case nor any personal acquaintance with Mr. Ohman; and during the last few years, when the recent renewal of inquiry about the stone became known by the people of this region, of course all the rumors, however increased in detail, were revived also, and there is no doubt that some have innocently spread the story, on the assumption that what was reported and was not denied must be true. In its exaggerated form it was sent in letters to members of this Committee, and these letters prompted this thorough investigation."\*

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\*The following correspondence, received after this Report was first written, bears upon the recollection of Mr. Gunder Johnson as to Ohman's writing runes for him.

*Clipping from the "Decorah Post."*

Rumor relates that Mr. Olof Ohman was accustomed to amuse himself with scratching runes. It happened that Prof. Winchell found the originator of this rumor in Gunder Johnson, of Brandon. Ohman maintained that he knew nothing about runes; but Gunder Johnson related that when Ohman, 26 or 27 years ago, built a house for him, he made some runes on a piece of wood to show what kind of writing was used in the old days in the Scandinavian lands. Ohman would not maintain that he had not done this, but said that he could not remember it.

*Letter from, Hans Voigt, McIntosh, Polk County, Minn.*

[Translation.]

Mr. Olof Ohman:

16 May, 1910.

I clip this from the Decorah Post, and send it with the following remarks. Is the Gunder Johnson, in Brandon, who has started this rumor, that you used to amuse yourself with writing runes, the same as the Gunder Johnson, Højbergsner, from the town of Mo? If so, then the house referred to was built for him by you in 1882, and I was there and painted it; and if this is so, then I believe you remember me. I had, in fact, a wedding down there, and you were present. At that time I made on a piece of wood some marks which were, after a fashion, to represent runes, as he says. So it seems to me that it is this incident which has popped up in Mr. Johnson's memory. If this is right, then let me hear from you. I had a long time ago forgotten your name.

HANS VOIGT.

Ohman is not a thrifty farmer. His premises are in disorder. His cattle, pigs, chickens, and his children, have a common way of approach to his front door, and when it is muddy the floor of his house is also muddy. There is no grading, no sidewalk, no fence, to make his home pleasant; and it is plain that the farm is not at its best. This listlessness has its influence in estimating the causes of the apparent neglect of Mr. Ohman to make the most of his discovery. After the rune stone had been pronounced a fraud by two professors (Breda and Curme), his interest in it extended no further than to insist on its return to him. A Swede farmer, in ignorance of the ways and means to have the inscription further investigated, not fully knowing the English language, and having no spare money to use in a doubtful quest, he was obliged to let the stone rest in his yard uncared for.

It should not be inferred from the foregoing discussion of "rumors," as to Mr. Ohman's agency in fabricating the rune inscription, that there is a prevalent opinion connecting him with it. Most of the people, and especially his neighbors, believe that these rumors are baseless, and affirm their confidence in Mr. Ohman as well as in the genuineness of the rune stone. It is chiefly at a distance from Ohman's farm, and among strangers, that these rumors are sustained by those who have curiosity enough to form opinions about the discovery. The pastor, Rev. Mr. Saethre, of the church where Mr. Ohman's children were confirmed, said that Mr. Ohman came to that vicinity, to his knowledge, later than himself, which was twenty-five years ago. He is confident that Mr. Ohman, whom

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*Letter from Olof Ohman.*

[Translation.]

Prof. N. H. Winchell, St. Paul:

Today I received a letter from northern Minnesota, which in part clears up the reported rune scratches that I have been said to have made at Gunnar Johnson's when I built his house. I do not remember that I wrote any runes, either there or anywhere else. And as to Gunnar Johnson saying I know Old Norse, he is mistaken. I have never learnt the Icelandic language. Sincerely,

OLOF OHMAN.

This shows that Mr. Johnson's recollection is at fault, rather than Mr. Ohman's.

he has known ever since he came to his farm, "is utterly incapable of making the inscription." He has never heard that Mr. Ohman traveled about and made runes on the sidewalks and granaries in idle hours, nor has he ever heard of a clergyman in that region who did so.

#### THE TREE THAT GREW ON THE RUNE STONE.

As it is well established that a poplar tree grew in the soil above the stone, it is plain that the size of the tree has a direct bearing on the possible fabrication of the inscription by Mr. Ohman, or by any person since Mr. Ohman located on the farm. Mr. Samuel Olson, of Kensington, who was of the party that excavated in the earth where the stone was found, in the spring of 1899, expecting to find the remains of those who were massacred, made from memory a pencil sketch of the stump and roots of the tree as they appeared at that time, which is reproduced below.

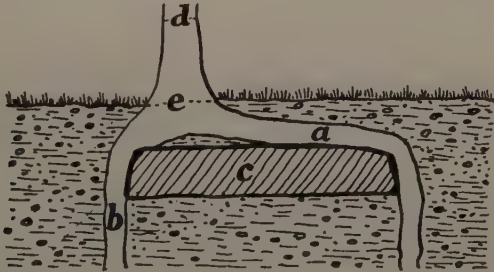


FIG. 1. THE POPLAR TREE AND THE RUNE STONE.

*a*, the largest root; *b*, the smaller roots that went down perpendicular; *c*, end of the stone; *d*, the tree 4 or 5 inches in diameter; the foot of the tree, 10 inches in diameter.

Note.—Mr. Ohman and his boy said that the main root went down the side instead of over the top.

No one was found who questioned the existence of this tree, nor the flatness of the roots caused by long contact on the stone. Indeed, one man who regarded Mr. Ohman as the possible maker of the inscription stated that he saw the roots and that they were flattened on one side.

The shortest time that has been assigned to the growth of the tree is ten years. Mr. Ohman took the first part of his farm in 1890. The stone was found in the fall of 1898 on that portion of his farm which was the earliest deeded to him, and which he received by warranty deed from Halvor Stenson. If Mr. Ohman is responsible for the stone, he must have buried it with its face downward in sufficient soil at once to support a young tree, and the tree would have had the period of eight years to attain the size which it had in 1898; and if the tree were as large as most of those who saw it have testified to, its growth in eight years is put entirely outside of possibility. It would then be possible still to presume that the stone was put there during the ownership of the land by Mr. Stenson. The Committee has taken no steps to ascertain the truth that might be in such a hypothesis, nor to learn anything of the antecedents of the land earlier than the record of the deeds to Mr. Ohman.

#### REVIEW OF THE FINDING OF THE RUNE STONE.

The foregoing sketch of the facts of the finding of the stone, and of the attendant conditions, embraces everything of importance that has come within the scope of our inquiry. It may be well, before leaving this part of the subject, to call attention to some obvious inferences which bear on the question of the authenticity of the stone.

1. The inscription was made upon a boulder of graywacke found in the near vicinity.

2. The inscribed face of the stone has not passed through even the latest glaciation, but the opposite side shows such glaciation that it may have witnessed two ice-epochs. The boulder had been split along an old jointage plane, and the inscription is mainly on the resultant even face. The inscribed edge was also, doubtless, caused by a jointage plane, but appears to have been shaped by hammering.

3. The inscribed face appears weathered so as to indicate that it was separated from its companion piece perhaps several thousand years ago (but has not been glaciated), or was affected by water that entered along the joint-opening for a

long time before such separation. The preservation of the calcite scale shows that since its separation it has been protected from the weather.

4. Two remarkable boulders are at the end of a sharp point, at the southwestern side of Pelican lake,\* and though they are not now surrounded by water, they probably were so 548 years ago, and may stand for the "skerries" referred to in the inscription. If the inscription is modern, the engraver could hardly refer to these boulders as "skerries." They are about twenty miles north of the place where the stone was found.

5. The stone was found on an elevation surrounded with a swamp, and it is in keeping with a slow known physical change to suppose that the elevation was formerly surrounded by water, and that the term "island" was applicable. If the inscription is modern, the engraver must have known that 548 years ago this elevation was an island.

6. The sea was said to be fourteen days' journey distant from the place of the stone.† The sea at Hudson bay is about

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\*Professor Flom has carelessly adopted a "Pelican lake" which lies in northern Otter Tail county, about 48 miles farther toward the northwest.

†It has been suggested by Mr. Holand that the inscription should be translated "forty-one days" instead of fourteen days; but such a use of the characters for 1 and 4 would require a similar use of the characters for 1 and 3 in the final date (1362), which would be impossible.

Keating says that the journey from Fort Douglas, which was one mile north of Fort Garry (now Winnipeg), to York Factory, required for canoes loaded with furs, 15 to 20 days, and in returning with supplies 30 to 35 days. Unloaded canoes usually traveled much faster, and probably made the journey in about half that time. Long's Expedition, Vol. II, p. 79.

Oliphant says (Minnesota and the Far West, p. 223) that he made 80 miles per day in descending the Mississippi river from Fort Ripley to Fort Snelling, and that in higher water 100 miles have been passed over in 8 hours.

Hennepin, in defending his asserted voyage to the mouth of the Mississippi in 1680, says it was not impracticable, that he had time enough and to spare, since canoes have been known to go 90 miles a day upstream.

Duluth, when he rescued Hennepin, declared that he travelled 80 leagues, or about 240 miles, in two days and two nights and till the next day at ten o'clock A. M., which was somewhat more than 100 miles per day. (Shea's Translation of Hennepin's Description of Louisiana, Appendix.)

Prof. Andrew Fossum first suggested the route from Hudson bay,



that distance from Douglas county, for a canoe party descending the Nelson river. If parties reached Minnesota by that route they must have brought boats with them by way of lake Winnipeg and the Red river of the North. It is not easy to see any reason for their leaving the regular watercourse and taking their boats across the country to Pelican lake, but if they were fishing on Pelican lake they must have had boats. At Pelican lake they would have been about twenty-five miles from the nearest point of the Red river of the North.

7. When found, the face of the stone was down. On any supposition as to the maker of the inscription it seems to be necessary to assume that it was not originally placed in that position. Owing to the easy disintegration of calcite in the weather, it is evident that the inscription is either recent or the stone was so placed (or was overturned) as to protect the inscription from the weather.

8. The age of the tree which was growing on the stone seems to show that the inscription was made prior to the occupancy of the farm by Mr. Ohman.

9. Mr. Fogelblad, whom rumor has associated with the stone, died in 1895, three years prior to the finding of the stone. The tree must have started to grow on the stone at least as early as 1888, according to the shortest estimate of its age. The committee has not learned the date of Mr. Fogelblad's coming to the region, not deeming it important. The relation of the rune stone to the Swedish grammar owned by Mr. Fogelblad at the time of his death is expressed by Mr. Holvik. According to his opinion, the book could not have been the source of the information necessary to construct the inscription.

and calculated that the downward trip could be made in about fourteen days. For the purpose of reaching more definite data the Committee has measured, on maps, the route in question, with the following result:

|                                                        |           |            |
|--------------------------------------------------------|-----------|------------|
| From Pelican lake to Pembina 35½ townships, right line | -         | 213 miles. |
| Pembina to lake Winnipeg, 1½ deg. lat.                 | - - - - - | 103 miles. |
| Across lake Winnipeg, 1 2/3 deg. lat.                  | - - - - - | 115 miles. |
| Lake Winnipeg to York Factory, 4½ deg. lat.            | - - - - - | 311 miles. |
| Add for crookedness                                    | - - - - - | 200 miles. |

Total traveled distance - - - - - 942 miles.

The trip therefore could be made in canoes in 14 days by travelling at the rate of about 67 miles per day.

10. If the stone is fraudulent, it seems necessary to exonerate both Mr. Fogelblad and Mr. Ohman from the imposition. (See the Appendix.)

NOTES ON THE RECORD GIVEN BY THE INSCRIPTION.

The inscription has been acceptably translated as below :

Eight Goths and twenty-two Norwegians upon a journey of discovery from Vinland westward. We had a camp by two skerries one day's journey north from this stone. We were out fishing one day. When we returned home, we found ten men red with blood and dead. A. V. M., save us from evil.

Have ten men by the sea to look after our vessels fourteen days' journey from this island. Year 1362.

Without reference at this time to the language used, and not considering the peculiarities of the grammatical inflections, it may be worth while to take a general view of the record.

One is struck first with the simplicity of the statements and the omission of non-important details. This simplicity, unfortunately for the historical value of the record, goes so far as to omit the name of the leader of the party, as well as that of the patron or king who may have sent it out.

It is a mixed party, of Swedes and Norwegians. By reason of the order in which these are mentioned it is probable that the scribe was a Swede, since he names them first, although composing only about one quarter of the whole party.

The party started from Vinland, a very remarkable statement in the light of the fact that it is not known, even at this day, that a permanent or even a temporary colony was established in Vinland. The expression "from Vinland" may mean in a direction westward from Vinland. In the light of the results of Professor Fernald's studies on the "Plants of Wine-land the Good," it is remarkable, if the stone is fraudulent, that the location of Vinland, by the statements of the record, should agree with the location of that country by Fernald, since all modern (and even earlier) descriptions of Vinland have placed Vinland either in Nova Scotia or in Massachusetts. Could it have been a random and accidental coincidence, that a fraudulent record should correct the current historical belief

of the times? How could an impostor come to the knowledge that Vinland was nowhere except in Labrador or at least in the region about the entrance to Hudson strait? What credit could be given to his record by going counter to the accepted history of his time? This agreement with the latest research as to the location of Vinland is a very suggestive fact.

They went "westward" from Vinland, and they had their ships till within fourteen days' journey of the end of their exploration, when they left them "at the sea," with ten men to guard them. If the record be fraudulent, what reason could there be for saying that their camp was fourteen days' journey from the sea? How much more probable it would be to say that their camp was forty days or even two months' journey from the sea, especially if Vinland was where it has been thought to be; and how much more probable that an impostor would not attempt to make a definite statement. If the record is fraudulent, the impostor was very foolish not only in giving the distance of their camp from the sea, but also in saying how far it was north from the stone. Not only so, but he attempted, more foolishly, to give guides to the exact location of the camp by saying it was "near two skerries." If the stone had been noticeably more than one day's march from those skerries, or if the camp had been noticeably nearer or more distant than fourteen days' journey from "the sea," there would be much doubt thrown upon the record by such a discrepancy.

The exactness with which the location of the camp is described can be attributed to the probable burial of the ten men at the camp, and the natural desire to describe geographically the place of the bloody massacre of ten of their comrades; while the agreement of this exactness with the facts in nature shows how improbable it was for a faker runologist to have made the inscription. If the record be fraudulent, it is a remarkable fact that those two skerries exist, and at the right distance, and that there are no others.\*

It is still more remarkable, on the hypothesis that the stone

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\*Other lakes in the vicinity, within a possible range of twenty miles, have been searched over by Prof. Fossum, Rev. O. A. Norman, and Mr. H. R. Holand, without finding anything that could be called "two skerries."

is fraudulent, that within modern times they could not be called skerries, as they are not now surrounded by water. Hence the impostor-scribe was not only a runologist, but he was able to look backward through the physical change that has come over the region, and to describe those boulders as they were 548 years ago, when there is no doubt that the water of the lake was so high as to surround them and thus warrant the description which he made of them. He must have been a geologist.

If the record is fraudulent, it is also remarkable that the impostor could see that 548 years ago the hill on which the stone was placed was surrounded by water so as to warrant the application of the term "island." He must have known, and must have made allowance for the fact, that within recent time the country has dried up considerably, and that what are now marshes were then lakes.

If the stone be fraudulent, it is singular that the impostor ran the risk of all these details and violated none of them. A well considered fraud is usually characterized by the omission of details. Here was a recklessness and a fearlessness amongst details which betoken honesty and truth. The very discrepancies, where the details diverge from present geographic knowledge, when correctly understood are turned to so many points of confirmation.

"We were out fishing one day." That is a remarkable and rather singular statement, especially if the stone be fraudulent, since the fishing was on a lake twenty miles distant from the place at which the inscription was made. Again, they must have had boats. There is no reference to them. Where could they have got boats? Not a word is said as to how they reached the place where they were encamped, nor as to the direction to the sea. Such links as are necessary to make a connected and reasonable story would certainly be given by an impostor. But here the briefest statement is made of the leading facts, and the reader is left to connect them as best he can. We are not at a loss to supply the links. The boats must have been birch bark canoes, used to this day by the northern



Indians, easy to propel in the water and easy to "portage" over the land.

"We found ten men red with blood and dead." That is a remarkable statement. Why should the fact of the gory appearance of the dead men be stated at all? and especially why should it be stated before stating the fact of death? The murderers are not mentioned nor indicated. These peculiarities in the record may be explained by attributing the massacre to Indians, with whom they may have had some dealing. The appearance of the bloody corpses implies the scalping knife. The appearance of the bodies is stated before the fact of their death, and must have made a deep impression on the explorers, although it is probable that the men were dead before they were scalped. If the stone is fraudulent, it is singular that, within modern times, when the scalping of white men by Indians is a familiar fact, the massacre should be described in that manner. An impostor would hardly observe the nicety of the significance in inverting the terms of description, or that of mentioning the bloody appearance of the dead at all.

Then comes the most remarkable feature of this remarkable inscription, "A. V. M." Hail, Virgin Mary! or Ave Maria. This is a distinctly Catholic expression. According to Archbishop Ireland, no modern Scandinavian would utter it, as they are Lutherans. It would be strictly appropriate in 1362. If the stone be fraudulent, the impostor artfully employed a term suitable to the date of the inscription; but we would hardly expect an impostor, such as this man must have been, to be so religious as to call on Mary, or on any of the gods of the Vikings, or on any of the saints of Christianity. On the supposition that the stone is fraudulent, this is a decided anachronism and would hardly be introduced by an impostor.

If the stone is fraudulent, the base perpetrator was artful enough to make use of rune characters appropriate to the date 1362. The ancient runes are sixteen in number, according to the grammar of Almquist. The inscription contains several characters not found in the old runic alphabet, and some that are peculiar to itself or to some locality.

Rev. O. A. Norman, of Ashby, called our attention to a sin-



gular coincidence, viz., the frequency of the expression calling upon Mary, in Scandinavia, at the time of the "black death," which prevailed in the fourteenth century. A poem or song, entitled "Fornesbronnen," was recited at the burials of the many dead, and appears to have become well known. It was lately reprinted in a brochure at Fergus Falls, Minn., entitled "Telesoga." Each verse ends with an appeal to Mary to grant help and freedom from evil. The sudden and bloody death of ten of their comrades seems to have impressed the living in a manner similar to the mysterious death of the black plague. If the stone be fraudulent, the impostor seems to have been aware of the prevalence of that prayer in the fourteenth century, and very shrewdly appended it at the proper place in this inscription.

It appears, from several considerations, that the scribe was a rather illiterate Swede. If the stone be fraudulent, it is singular that such a man should prove himself capable of such literary and historical knowledge, and of such artful cunning. If the stone be fraudulent, it seems necessary to suppose that a non-educated Swede should be able to make the inscription and to accomplish the following:

1. A simple, straightforward record.
2. Correct the prevalent notion as to the whereabouts of Vinland.
3. Refer to two skerries, which could not have existed when the record was made but did exist 548 years ago.
4. Refer to an island, which was not an island when the stone was inscribed, but was so 548 years ago.
5. Define exactly the location of the camp with reference to the seaside and with reference to the stone.
6. Describe the massacre in such a way as to indicate that the men were scalped by Indians, although no mention is made of Indians.
7. Make the prayer to the Virgin Mary common in Scandinavia in 1362, but anachronistic in the nineteenth century.
8. As an impostor, utter the common prayer of a devout Catholic of the fourteenth century.

9. Use in part some ancient runic characters instead of those common in later centuries.

10. All this deceit and laborious cunning, without any ascertainable motive, perpetrated in an unpopulated, or at most only a sparsely inhabited, region amongst a wilderness of forests.

#### LINGUISTIC OBJECTIONS.

Notwithstanding these considerations, which point toward the genuineness of the Kensington Rune Stone, there are linguistic objections, which, it is claimed, are insurmountable. It is claimed by those who are expert in the Scandinavian languages, and who present those difficulties, that linguistic evidence is paramount in importance, and that other considerations are pertinent only after the linguistic objections are removed.

A summary statement of these objections is about as follows:

Certain words not in use in Sweden at the date given the inscription, viz.:

*opdagelse*. It is pointed out that this word is not in Sodervall's dictionary, nor in that of Kalkar, the latter being a dictionary of the old Danish (and Swedish) language covering the years 1300 to 1700, and that in modern Swedish the word *opdage* is *uppdaga*; that "*opdagelse*" is made by adding to the root the suffix *else*, which in the form *ilsi* is not found in Swedish or Danish prior to 1300; that "*opdage*" itself is a borrowed word, allied to the Dutch *opdagen* and the German *entdecken*; and that, if it had existed in 1362, its only meaning could have been *dawning*.

*po*, which appears twice in the inscription. This word, derived from *upp* a becomes *pa* and *paa*, and in Sodervall's dictionary is said to date from about 1400, and to have, in the older Swedish, only the active sense, "to designate an action by some one, or a condition or state of a person," which is not the sense in which it is used here.

*laeger* is objected to as a word in Swedish at the date of 1362, on the ground that it shows a Germanic influence, dating

from the sixteenth century or later, its earliest date in Kalkar being 1534.

*dag* is, on the stone, *thag* (or *dhag*), meaning day, but in 1362 *d* had supplanted *dh* and should have been used. The use of "the thorn" (the rune þ for *dh* or *th* or *d*) indicated a modern Swede runologist. The same objection lies against *dh* in *opdagelse*, *Vinland*, and *ded*, and other words.

*vore skip* should have been written *vorum skipum*, to agree with the language of Sweden in 1362.

*har*, *var*, *kom*, and *fan*, are first person plurals, as used, and should have the ending *om*, viz., *hafthom* (or *hathom*), *varom*, *komom*, and *funnom*. These would have been found in the "Mariaklagan," had any first person plurals been used in the part with which comparison is made, since in the third person plurals found in it the full inflectional endings are used.

*ded* (or *theth*, or *dhedh*) should have been *dødh*, and is apparently a reflection of the English word "dead."

*from* is English.

*mans* is an incorrect plural English word for *men*.

ø is written with *e* rune inside an *ö*. *ö* appears for the first time in Swedish in 1495.

In short, the language of the stone, it is claimed, is a mixture of modern Swedish, Norwegian, and English.

It is fortunate for the cause of historic truth, no less than for linguistic criticism applicable to the inscription of this stone, that quite a number of American as well as some European experts in runes and in Scandinavian literature have given close attention to this stone, and have afforded their aid to the Committee in their efforts to reach a warrantable conclusion as to the authenticity of the record for the date which it claims. The Committee has also taken advantage of the published opinions of others, so far as we have learned of them, whenever such opinions have been based on specific and critical linguistic points. A mere "opinion," pro or con, has been passed by without consideration; for it is plain that not only the labor would be practically endless should the Committee entertain unsupported opinions, but that in the end the result would be based on others' opinions and would not be a

creditable and judicial consideration of the problems with which the Committee is charged.

The following eminent and critical scholars have aided the Committee, and to them the thanks of the Historical Society are due:

Helge Gjessing, University of Christiania, Norway;

Hjalmar Rued Holand, Ephraim, Wis.;

O. J. Breda, Christiania, Norway, formerly of the University of Minnesota;

George O. Curme, Northwestern University, Evanston, Ill.;

Chester N. Gould, University of Chicago, Chicago, Ill.;

Rasmus B. Anderson, Madison, Wis.;

Dr. Knut Hoegh, Minneapolis, Minn.;

Gisle Bothne, University of Minnesota, Minneapolis;

John O. Evjen, Augsburg Seminary, Minneapolis;

Andrew Fossum, St. Olaf College, Northfield, Minn.;

P. P. Iverslie, Minneapolis, Minn.;

George T. Flom, University of Illinois, Urbana, Ill.;

Julius E. Olson, University of Wisconsin, Madison, Wis.;

J. A. Holvik, United Church Seminary, St. Anthony Park, St. Paul, Minn.;

Olaf Huseby, Norwegian journalist and author, Fosston, Minn.;

J. J. Skordalsvold, Minneapolis, Minn., formerly professor of Norwegian Literature in Augsburg Seminary;

O. E. Hagen, Meridian, Wis., formerly professor in the University of South Dakota, Vermilion, S. D.

It is needless to say that among these there is divergence of testimony, and sometimes contrariety, not only in the results which they have reached, but sometimes in their estimates of the value of the linguistic peculiarities of the language of the inscription.

With one exception, the members of the Committee are all linguistic scholars and are capable of judging the force of linguistic arguments, *pro* or *con*, and we have attempted to compare judicially the evidence that has been adduced.

It should be remarked at the outset that the argument against the rune inscription is like this: As the translation of

the Bible in King James' version does not employ the words *boy* or *girl*, but instead uses *lad* and *damsel*, if a book purporting to be a copy of the King James version were found to contain the words *boy* and *girl*, it would at once be classed as fraudulent. Likewise if words are found in the Kensington rune stone inscription which were not in use in 1362, the inscription is fraudulent. But it is evident at once that such a comparison of these cases involves a possible error. Two books actually in print can be compared with preciseness, and one can be pronounced a fraud with positiveness when it does not agree with its prototype. In the case of this stone, a definite inscription is to be compared with a "usage," and it is the wide uncertainty of that usage that gives rise to the variety of evidence and opinion.

It should be remarked also that the usage with which the stone may be compared may be that of a considerable period of time, say a whole century; it may be that of high-class and dignified literature, or that of common or ordinary writing, or that even of everyday speech. It is plain therefore that it is important to determine the standard to which the inscription ought to show a conformity. It should also be remembered that, as in English, these standards change from one into the other with lapse of time. A usage which was prevalent only in common speech, say in the fourteenth century, might be found in literature in the fifteenth century, and in the more dignified language of legal documents not till the sixteenth century. As our slang words creep slowly into literature, and finally are recognized in the standard dictionaries, so the colloquial terms and usage of the Swedish gradually came into use in the higher type of literature.

It is agreed by all, so far as we have learned, that the inscription, whether false or genuine, was made by a Swede and a rather unlettered man, a good mechanic, and probably from ancient Gothland, now the south part of Sweden, or from Visby, on the island of Gothland, where foreigners were numer-



ous from all commercial points in Europe.\* In such a city the influence of foreign languages would be apparent and more pronounced than in any other part of Sweden, except perhaps Stockholm. If the engraver of the inscription were an unlettered Swede, it appears that the standard with which it should be compared is not that of high-class standard literature, whether legal documents, educational treatises, or poems, but more reasonably the colloquial vernacular of Gothland. It would be necessary to allow for some effect of German and perhaps English contiguity. Hence, as the stone claims to date from the fourteenth century, it is reasonable to compare it with the colloquial usage of that century.

Here arises another important consideration, viz., the fourteenth century was a period of change and confusion, arising from the introduction of Christianity. Here was in full swing the transition to the modern forms and usages. Indeed the language of Sweden and Denmark in the fourteenth and fifteenth centuries "was much like that of the present."† and, "to that degree agrees with the new that nothing except an occasional business or law expression will stop a reader of the present."‡ This change was not accomplished without much irregularity, and perhaps this is most apparent in the fourteenth century. The German language made a powerful impress on the Swedish. Dahlerup declares, "Never has our language received so great influence from abroad (especially Middle Low German) as it received in the fourteenth and fifteenth centuries."|| Those irregularities consisted in a more or less prevalent dropping of case endings, disregard of grammatical agreements, especially in common speech, and differences of spelling.

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\*The present city of Goteborg was founded in 1619. An earlier town of the same name, on the island of Hisingen, not far from the present site, had been destroyed by the Danes during the Calmar war (Enc. Brit.); but as that had been founded within twenty years before the new town (History of Sweden, by Victor Nilsson, 1899, pp. 188, 189), it appears reasonable to consider the scribe to have been a native of Visby on the large island of Gothland, which was an important commercial city from the twelfth century to the seventeenth.

†Dahlerup, *Det Danske Sprogs Historie*, 1896, p. 31.

‡Kalkar, *Ordbog*, p. xxxii; also f. n. to p. xxxi.

||Op. cit., p. 26.

With these facts in mind, we will examine in succession the difficult linguistic points which we have already mentioned.

*opdagelse* is claimed to be a modern word. It is a serious objection to this word that it is not found in two standard dictionaries, Sodervall's and especially Kalkar's, the latter purporting to be a dictionary of the old Danish (and Swedish) language, covering the years 1300 to 1700. The root of the word was known, also the prefix *op* (*upp*), and the suffix *else* (*ilse*). It was a neuter verb, signifying *to appear, to dawn*. In the inscription it has an active signification, *to discover*. Yet Kalkar gives a quotation dating from 1634 in which this word appears in its active sense, viz., "*Et skib med røfoere for landit var opdaget*" (*A vessel with pirates was discovered off shore*). The fact that the date of this quotation is 1634 does not show that this signification of this word was not in earlier use, for Kalkar gives numerous other quotations with dates showing similar German influence, dated later than their known earliest use, as follows:

*understanda* is dated 1610, but is found in *Den Jydske Lov* of 1241. (Brandt, Gammeldansk Læsebog, 1856, p. 29, line 15.)

*ophange* in dated 1575, used in a provision of Waldemar Seier of 1250 (ditto, 41, 3, as *uphengia*).

*opladha*, dated by Kalkar 1550, used in a diploma of 1329 (ditto, 77, 5, as *uplader*); and numerous others.

Kalkar's dictionary was not complete. He is now compiling a supplement, which will contain hundreds of words missed by him in his first edition. The following, similar to *opdagelse*, may be mentioned, in use about 1400, which were omitted by Kalkar: *opfostræ*, *upfodde*, *opbrande*, *opraettilsæ*, *forbyggels*, *paamindelse* (ditto, 98, line 23; 169, 8; 168, 6). This shows simply that *opdagelse* may have been one of the common words omitted by Kalkar, and therefore that the absence of this word in Kalkar's Danish dictionary is not certain evidence that it was not in use in Gothland in 1362, at least in common speech; for, as has been remarked already, the standard dictionaries of any language are the last to rec-

ognize innovations, such as this appears to have been, from other languages.

We fail to see the force of the objections to *opdagelse* in the fact that the modern Swedish for *opdage* is *uppdaga*. The use of the older word seems to us rather to be a difficulty in assigning the inscription to modern invention.

The difficulty with *po* in the inscription consists of two parts: (1) It is used earlier than is recognized by Sodervall's dictionary; and (2) it is used correctly to designate "an action by some one, or a condition or state of a person," which is thought to be not the sense in which it is used here.

The fact that Sodervall's dictionary assigns this word to "about 1400" is in some degree an objection to its use in 1362; yet, if it be recalled that in common speech many words are in use long before they are recognized in standard literature and in dictionaries, and that the difference of time here amounts to only thirty-eight years, it appears to the Committee that the word *po* was more likely than not to have been known and used at the date assigned to the rune stone. In the middle of the fourteenth century, moreover, we find *pa*, *po*, and *upa*, used side by side.

As to the significance of the word *po* (on), used as a preposition before the word *opdagelse*, its force, as defined by the objectors, is to be inferred from the connection. "On a journey of discovery" implies a verb such as going, and if that be supplied the phrase reads "going on a journey of discovery," which gives the preposition exactly the sense required.

Again, it is quite likely that in pronunciation *pa*, the original word which became *paa*, was sounded so nearly like *po* that the unlettered scribe preferred *po* to any other spelling. Further, as there was no rune character for *aa*, this sound was commonly expressed by the rune for *o*.

*laeger*. The original Norse form was *legr*, but in Swedish the *e* became *ä*, and under the influence of German contact the word took the form of *laeger*, or *läger*. It is assumed by the objectors that this final form was due to the sixteenth century and hence could not have been used in 1362; but Falk and Torp state that in Swedish-Danish the transition from *e* to *ä*

took place about 1200 (Lydhistorie, Kristiania, 1898, page 11, No. 2).

It is further objected to this word that in the sense here employed (camp) it was not employed in 1362, but meant *burial place* or *lying together*; yet Kalkar illustrates it in the sense used in the inscription, viz., "The angels of the Lord built their camp round about them: *Herrins engel slaar lägre omkring thennom*" (date of this writing, 1524?). This dictionary covers the period from the fourteenth to the seventeenth century.

*dhag*, *opdhagelse*, *Vinlandh*, *dhed*, and other words in the inscription, are spelled with the rune character þ (called *thorn*). It is claimed that the more modern character for *d* (ǫ) had supplanted the "thorn" in 1362, and ought to have been used. The thorn was usually used at this time for both *th* and *dh*; but it appears that *t* was gradually supplanting *th*, and *d* was taking the place of *dh*. It is plain from all sides that the thorn (þ), used exclusively on the inscription, was warrantable as a character either for that dental which was sounded *th*, or for that which was sounded by *dh*. At the same time, so far as we can learn, the distinct character for *d* (ǫ) had a recognized existence; but whether there was any rule or regulated practice, in 1362, as to the use of ǫ for *d*, we have been unable to find out. No one has referred to any regulated practice, and it seems to us that any criticism demanding the exclusive use of the character for *d* (ǫ) in 1362 where the inscription shows *dh*, should be supported by such a rule. There is not a word in the inscription which calls for the dental sound *th*, and it is hence plain that where the thorn sign (þ) is used it was intended to take the place of the sign for *dh* (or for *d*).

Further, while the character ǫ was used at the time, it occurs so rarely that it seems most runesmiths were ignorant of its existence or ignored it. For instance, it does not occur a single time in the twenty-six Swedish and Danish runic inscriptions from the middle period quoted by Vigfussen on pages 447-449 of his "Icelandic Reader and Grammar." The thorn however occurs 142 times in these same inscriptions. It appears also



that there was great latitude in the use of this character þ, in that it not only commonly represented *th* and *dh*, but also frequently *d*, and even *t*. In inscription No. 4, on page 448, we find *ristu* spelled with þ instead of the *t*. Therefore, while ʝ (or *d*) might have been accessible in elementary text-books, the writer of the inscription has shown a close agreement even with written usage in Sweden in the middle ages, by using þ exclusively. Had ʝ only been used, that character, as it seems to the Committee, would have constituted a greater objection than the exclusive use of þ.

*hadhe, har, var, kom, and fan.* These are unquestionably verb forms of the first person plural, past tense (*har* is present), used by the rune-maker, and purporting to be from the date of 1362. The validity of these forms is questionable. It is evident that if fraudulent these abbreviated terms might be those which the inscriber of the stone would employ in the nineteenth century. The Committee are of the opinion that if these five verb forms cannot be satisfactorily explained, the stone will be suspected as a forgery. They have therefore given particular attention to the question whether such abbreviations were warrantable in the year 1362.

The statement has been made already, in general terms, that this was a period in the history of the Danish-Swedish and Danish-Norse languages when great confusion prevailed, because of a tendency toward the modern usages, and it would be possible to assign such verb changes to that general statement. The Committee, however, have thought that, owing to the sweeping character of this difficulty, it would be well to disregard the general principle, and to find, if possible, examples in practice dating from the fourteenth century, of such verb changes as are here shown by the rune stone.

Dahlerup, commenting on this period, says: "Numerous verb forms, especially in documents showing Jutland influences, show that the speech undoubtedly in many parts [of the country] had given up the logical use of the plural forms" (*Det Danske Sprogs Historie*, p. 33). As an example of this he quotes: "*Alle fugle som hedder volucres pa Latin,*" "*the faar,*" "*the gik,*" "*the kan,*" "*I seer,*" etc. In all these illus-



trations we find singular verbs with plural subjects. We have other examples of this, as in a letter of 1340, which begins "*Allae men thettae bref ser eller hør*" (Brandt's Läsobog, p. 79, line 1). Similarly a letter of 1329 begins, *Allae maen thettae bref ser aeldaer høraer* (ditto, 77, 1). This shows at least that the old classic rule, that the inflectional ending of the verb must agree with its subject, was not maintained in the fourteenth century. The third person plural preterite for *hafa* is *höfdu*; but as early as 1200 we find *Witherlax men hawdhe honum uraet giort*" (Kong Knuts Viderlagsret in Brandt's Läsobog, p. 39, line 1). Gamle Kong Eriks Krönike, written about 1320, says, "*The hado upätith therra maat*" (Svenska Medeltidens Rim-Krönikor, G. E. Klemmings's edition, Stockholm, 1865, first part, line 1514; see also line 2581). Upsala Krönike, of the fourteenth century, reads, "*hadae möss* [plural] *aedet opp øxen som var af osth giord* (Hunde Kongen og Snio in Hallenberg, No. 51, also quoted in Brandt's Läsobog, p. 72, line 1). In Mandevilles Reiser, of about 1400, we similarly find *hadhe*: "*ikcae hadhae ry. . . frem kommit*" (Brandt's Läsobog, 123, 10); "*ta wy hadae gongit hoos tho milae*," etc. (ditto, 122, 16). See also the frequent use of "*the hade*," they had, in Svenske Medeltidens Rim-Krönikor.

As to the form *har*, here used in place of the regular full inflectional *haffrom*, we find that in many, perhaps in most, writings of the fourteenth century, the termination of the first person plural, *vom*, had largely disappeared. It is retained, however, in an important work dating from 1320, *Gamle Eriks Krönike*, where also nearly all the old endings are preserved. Instead of *haffrom*, we find the modern forms *have* or *haver*; but, according to Falk and Torp, for a long time the *v* was elided in pronunciation, making *ha* and *har*, or was replaced, even in the fourteenth century, by *u*, the following *e* being dropped. Thus: "*Iak haur af herrana hört*" (Gamle Eriks Krönike, 1320, Klemming's ed., line 4404); "*Thet haur konung Bierge giort*" (ditto, line 4480). The rhythm also shows that it was pronounced as a single syllable. Similarly in a diploma of 1386 we read, "*Wi hawe unt oc lathet wore kerae bymän* (Brandt's Läsobog, p. 79, line 18). In a letter of Queen Mar-

garet, of 1393, we read: "*Meth al thene rät som han og honnes fathir ther til have haft og have.*" In the last two instances *u* (or *v*) is *w*, which also illustrates the confusion which has, in all modern languages, attended those half consonants. In the next, *u* is plainly and simply used for *v*. In a book of remedies, about 1360, we read "*Wi hawa nu talet ok sagt oc screwät thet som tharflekt ar*" (Molbech's Ordbog, xlix); also, "*Thom ther hauer howeth wärk,*" etc. (ditto, xlix).

Summarizing our inquiry on this word, we find:

(a) that the plural *hafvum* had been largely dropped in the fourteenth century;

(b) that the singular for *haver* had largely superseded it;

(c) that according to Falk and Torp, eminent philologists, this *v* has long been dropped phonetically;

(d) that *haur*, the immediate phonetic predecessor of *har*, occurs sporadically in Gamle Eriks Krönike, the ablest literary work of the times, written in 1320.

If we add to this a probable advance in phonetic and grammatic development in the region of Gothland, there seems to be no longer remaining any valid objection to the use of the spelling seen on the stone.

It should further be borne in mind that the author of this inscription, if it be genuine, would be extremely unlikely to be an educated literary man, but rather a plain man of action. As such he would write as he spoke. On the contrary an impostor of today, trying to reproduce the language of an ancient period, could only be a philologist, and would try to follow the literary usage of the time, instead of employing forms adapted to his own day. The apparently modern, but defensible, use of the word *har*, is therefore, in the opinion of this Committee, good evidence of the phonetic authorship of the record in the fourteenth century.

*var* is the first person plural, used for the old and regular form *varum*. The discussion of *har* applies largely to this word. In the fourteenth century it was the common form. In the chronicle of the Danish kings, written about 1250 and 1300, we find the singular and plural forms struggling side by side. In line 12 we read, *Hialti ok Birghi var i hans tima.*"

while in line 15 we read, "*Slenge ok Vege varu i hans tima.*" After this time the singular *var* is dominant. Many illustrations could be given of plural subjects used with the singular *var*. *Var* is frequently seen in the form *vare*, as "*tha vare wi aey fraelste aff helvedis nödh*" (devotional poem from about 1425, Brandt's *Läsebog*, p. 262, 8).

*kom* is used for *komom*, the plural ending, like others already discussed, having been dropped off in the period under discussion.

*fan*. This form, although we have no examples to quote, may be assumed to have been used for the old plural form, analogous to *kom*, *var*, and *har*.

*dhedh* (or *dedh*). The use of *e* for *ø* or *ae*, in the fourteenth century, or vice versa, was frequent. Hence the uncritical maker of the inscription did not pass beyond the warrant of his time. The Danish dialect had *ded* in 1390. It is evident that the thorn (*þ*) must have been intended here to express the symbol *dh* (*th* as in *this*, and not *th* as in *thistle*), which in English found its equivalent in *d*, and in German in the word *todt*. The spelling of this word may have been influenced somewhat by a knowledge of the English pronunciation of the same word, and by the Danish *ded*.

*from* in its form is English. It is given, however, by Falk and Torp's *Etymologisk Ordbog*, as occurring sporadically in the old Swedish, meaning *from*. The easy phonetic substitution of *o* for long *a* or *aa* is so apparent in this word that it needs no effort at explanation. The letter *m*, however, is in this place quite antique, unless it is adopted directly from the English, and seems to furnish an argument for the authenticity of the stone rather than against it.

In the old Aurland's church in Sogn, Norway, completed in the Catholic time, about 1300, there was a pair of very small panes of glass. The two panes were a present to the church "from" so-and-so. When the church was razed, the panes were bought by an enlightened gentleman in the district, and they may be found safely treasured there yet.

The work entitled "*Gamle Eriks Krönike*" was the product of some writer living in that part of Sweden known as Vest-

gotland, written about 1320. This work contains a great many of the words of the inscription, used in the same meaning. This was perhaps the home of the Göter mentioned in the inscription.

This inquiry might be extended so as to include several other words that have been criticised, but as we have brought under review the chief of the objections from a linguistic point of view, we deem it unnecessary to go further into details.

From the examination of the language of the stone the Committee think that they are warranted in making the following conclusions:

1. It cannot be the work of some unlettered amateur of the present day.

2. It is either the uncritical record of an exploration of the fourteenth century, or the fabrication of a consummate philologist familiar with the dialect of Vestgotland in the fourteenth century, which was essentially the Dalske dialect of Dalarne of the sixteenth century.

3. No expert philologist would make the blunder of writing *ded* for *död*. A modern philologist familiar with the evolution of *ö* from *au* would hardly make such an error, but such phonetic mistakes were common among the uncritical people of the fourteenth century.

4. The peculiarity of spelling "and" as both *ok* and *og* is abhorrent to the scientific precision of a modern philologist, but was very natural in the fourteenth century, when the sounds of *k*, *t*, and *p*, were frequently confounded with those of *g*, *d*, and *b*.

5. The use of the phrase, "*ri var ok fiske*," belongs in the same class of colloquialisms as *skullen* for *skulde han*, *haden* for *harde han*, etc. These phrases are all on the lips of the people in common speech, but no well informed person would suffer them to appear in a serious narrative in writing. But in the fourteenth century, with its greater phonetic freedom, they were all common.

6. Several obsolete words, which were in use in the fourteenth century, such as *laeger*, *rise*, *skjar*, *af illy*, and *from*, as well as the peculiar numeral characters, strongly indicate

that no modern impostor made the inscription, as the works of scholars proving that they were in use at that time have mainly been published since the stone was found.

7. The linguistic internal evidences of the genuineness of the stone coincide with and confirm the indications that come from the finding of the stone and its attendant condition.

8. The numeral which expresses the number of days' journey distant from the seashore is more probably meant for *fourteen* than *forty-one*.

#### COLLATERAL EVIDENCE.

Attention should be called again to the stone found by Verendrye and sent by him to Paris in 1737-40. The characters could not be read by any parties in Quebec, but were believed to be of Tartarean origin, there being then a belief entertained by many scholars and archeologists that America was peopled by Asiatics. The particulars of this finding, so far as they are known, are given by the Swedish botanist Kalm, who traveled in America in 1748-51.

Again, there was evidently European blood in the Mandan Indians. All travelers who visited them reported instances of light-colored hair and skin, and blue eyes. Catlin presumed that the party of Madoc, a Welsh prince, had reached them, and that their descendants would account for the remarkable physiognomy. It is doubtful, however, that the mixing of the dark Iberian complexion of the Welsh with that of the Indians would ever produce blue eyes, while it seems certain that the blond complexion of the Northmen of Europe would produce them.

These facts constitute an *a priori* affirmative case indicating that people from northern Europe mingled with the Mandan Indians.

#### RESOLUTIONS ADOPTED BY THE MUSEUM COMMITTEE.

The following resolutions, which were adopted unanimously by this Committee April 21, 1910, are not expected to terminate the investigation, but to show the present belief of its members.



*Resolved*, That this Committee renders a favorable opinion of the authenticity of the Kensington rune stone, provided, that the references to Scandinavian literature given in this Committee's written report and accompanying papers be verified by a competent specialist in the Scandinavian languages, to be selected by this Committee, and that he approve the conclusions of this report.

*Resolved*, that this action of the Committee be reported to the next meeting of the Executive Council, and that Mr. Holand be so informed.

E. C. MITCHELL, Chairman.  
F. J. SCHAEFER,  
O. D. WHEELER,  
N. H. WINCHELL,  
WARREN UPHAM, Secretary.

In the next monthly Council Meeting, May 9, 1910, this subject was introduced by Rev. Edward C. Mitchell, chairman of the Committee, and large parts of this Report were read by Professor Winchell, followed by his presentation, for the Committee, of these Resolutions. After much discussion by the President and several members of the Council and others of the Society, the Council voted that the Report and Resolutions of the Museum Committee be received and printed, with a statement that the Council and Society reserve their conclusion until more agreement of opinions for or against the rune inscription may be attained.

Subsequently Professor Bothne, having been selected by the Museum Committee, in accordance with its resolutions, for verification of references and a statement of his opinion, sent to the committee the following letter.

The University of Minnesota,  
Minneapolis, July 19, 1910.

Prof. N. H. Winchell,

Dear Sir: I am going away tomorrow, and cannot attend your meeting next Saturday. I have examined your report

carefully, have visited Kensington and neighborhood, and have read most of the papers and articles relating to the rune stone.

I have always believed with the great authorities of Norway and Sweden, Magnus Olsen, Moltke Moe, M. Hogstad, Bugge, Noreen, Schrick, Montelius, that the language is too modern, besides being faulty; and a more careful study of the words has not changed my opinion. In some places where the rune þ (thorn) is used, it is not used properly. But I shall not enter into details at this time.

That the Norwegians discovered Vinland is a fact. That they, in the fourteenth century, may have penetrated into the country as far as the present Kensington, is possible. But what has been testified to about the finding of the stone is not convincing, and I do not consider the Kensington stone authentic.

It seems to me that the stone should be brought to Norway to be examined by expert runologists, and, in my opinion, nothing else will dispose of the matter.

Yours respectfully,

GISLE BOTHNE.

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## APPENDIX.

## PROFESSOR FLOM'S INVESTIGATION.

Since the foregoing was written, a learned contribution has been made to the subject by an eminent philologist, Prof. George T. Flom, of the University of Illinois, who reaches an adverse decision. This was courteously furnished to the Committee in manuscript, but has since been revised and published in June, 1910, by the Illinois Historical Society, entitled, "The Kensington Rune Stone, a Modern Inscription from Douglas County, Minnesota." His objections can be classified as follows:

## PRONUNCIATION AND SPELLING.

1. *hadhe*. *hafthe* should have been used; that is, the disappearance of *f* or *v* before a consonant had not yet taken place.

2. *vedh* should be *vidh*. The change to *c* begins about 1400. *ve*, in the third line from the end, is an attempt to use the modern Swedish-Norwegian *ve*.

3. *fro* should be *fra*, as *fro* and *from* never occur in Middle Swedish.

4. *of* cannot be compared with the sense "too," which would be beside the point; and *of vest* is as impossible as "too west" in English.

5. *öh* would have been in Middle Swedish, in the regular way, *öö*.

6. *ahr*. The same error occurs here as in *öh*. These spellings belong to a much later time.

7. *dhag*, *opdhagelse*, *landh*, *dhedh*. There was no need for the Swedish scribe to employ the rune þ for *d*, as well as for *dh* and *th*; for *d* then had its own symbol (ᚹ).

## INFLEXIONS.

8. *var, kom, fan, har.* The transference of the singular form to the plural is comparatively recent.

9. *man*, as plural, is irregular.

10. *vi hadhe.* The modern scribe here employed his own speech, with an antiquarian effort shown in introducing *h* after the dental.

11. *fra dhenō sten* should be *fra þaessom sten* (variant of *þaemma sten*); "later *fra* may also govern the accusative, which would give the form *fra þaenna sten*."

12. *at se aseptir vore skip* should be, regularly, *at se aseptir varom skipum*. The rune stone's inscription is that of present speech, Norwegian rather than Swedish, except for the word *aseptir*.

13. *from dhenō öh.* *öh* is feminine in Old Swedish, and the feminine form of *dhenō* should have been used, i. e., *fra þaenna ö*. (Compare *fra dhenō sten* above.)

## MEANING OF CERTAIN WORDS.

14. *po*, then just forming from *upp a*, *up pa*, could not be used in this way (i. e., with an activity), but only as a preposition meaning *upon*. The use here is modern (in Swedish comparatively recent).

15. *opdhagelse* must have dated from after the Reformation. It is Dutch, and its meaning as here employed is from High German *entdecken*.

16. *laeger* is a loan from the German. The Old Swedish word was *laegher*, which also was used differently.

17. *rise* should be in Old Swedish *rcsa*, which came into Swedish from German in the fifteenth century.

18. Two quotations are given, from the fourteenth century and the fifteenth century, to show how consistent the language was at that time. One is from *Själinne Thröst*, 1370, MS. 1430, the other from *Margaret's Chronicle*, late fifteenth century, MS. 1514-1525.

## THE RUNES.

19. Examination shows that the runes employed are not those of the Mariaklagan, Middle Swedish of about 1400, which are the same as in the Scanian Law (1300). The Kensington scribe therefore did not use the regular Norwegian and Middle Swedish runic alphabet, but employed characters either invented by himself or from some other dialect, "a different alphabet."

20. This paper shows use and knowledge of runes "until the last century." Hence there is some likelihood of someone having skill enough to write runes in the latter half of the nineteenth century.

21. It finds that the particular alphabet of the Kensington stone was in use in the sixteenth century in Elfdalen; and it infers that the sixteenth century is "modern," yet in important respects quite different. For instance, the thorn, þ, was used by the Kensington scribe for *th*, *dh*, and *d*, whereas at the date claimed for the stone *d* had its own character, ḑ. He must therefore either have been ignorant of ḑ, or, in modern style, used þ for *d*.

## DISCUSSION OF THESE OBJECTIONS.

Most of these critical objections have been presented by others, and are referred to in the body of the foregoing report. There are 21 items, as numbered, and they will be reviewed here in numerical order. Numbers 1, 3, 7, 8, 10, 14, 15, and 16, have been shown to be either invalid or at least of questionable character adverse to the record.

No. 2. *ve* is undoubtedly the phonetic for *vedh*, which is spelled in full (*vedh*) in the fourth line, but probably pronounced as spelled here (*ve*). If the rune scribe were perpetrating a fraudulent record of 1362, and was acquainted with the word *vedh*, he would scarcely introduce a modern spelling of that word (*ve*).

No. 4. The translation *far to the westward* is not required. The use of *of* for *af* is an instance of the phonetic confounding of *a*, *aa*, with *o*.



No. 5. *öh*. The difference in sound between this word and *öö* was so slight that the rune scribe was phonetically at liberty to use either.

No. 6. *ahr*. Dahlerup says that "as early as in Old Danish [1050-1350], the original long *a* had begun to approach the sound of *aa*" (Det Danske Sprogs Historie, p. 31). This increased length of sound was indicated also by the spelling *ahr*.

No. 9. *man*. The common form for the plural was *menn*, or *män*. The form here used is irregular for any date and can hardly be justified, although in Gamle Eriks Krönike (1320) is the expression "10,000 man them forslø" (Klemming's edition, 326).

No. 10. *vi hadhe*. If the faker scribe knew the antiquarian style, it is hard to explain why he used his own speech at all. (Compare No. 2.)

No. 11. *fra dheno sten*. The error of not distinguishing the gender of nouns in the application of the demonstratives was, and is, common. The final letter (*o*) was frequently substituted for *a*; but as *sten* is masculine, this form of the adjective is quite allowable. The final letter *o*, being unaccented, was frequently substituted for *a*, and *vice versa*.

No. 12. *at se äptir vore skip*. This illustrates the confusion of inflexional usage of the fourteenth century. According to Falk and Torp, about this period *e* was changed to *ä* in the word *eptir* and others in the Swedish language; but the change was not permanent, the letter *e* being restored, and a century later we find *äptir*, *eptir*, and *äffthir*, and *eftir*, used side by side (Svenska Medeltidens, Rim-Krönikor, third part). As the scribe employed *äptir*, it seems that, unless he was a learned linguist, he must have been contemporary with this temporary change.

Professor Flom contends that a writer of the fourteenth century would have written *varom skipum*. We find however that case endings were not so invariably respected as is commonly supposed. Even in the Icelandic sagas, which show a far more precise literary practice than the Swedish of the fourteenth century, the case endings are sometimes violated. For instance, in the Vinland saga (A. M. 552) we read: "*Lata*

*their i haf fram tvennum skipum thegar their eru bunir*" (Vigfusson's Grammar, p. 123, line 23). *haf* is there nominative and should be dative, while *tvennum skipum* is dative and should be accusative.

Such disregard and confusion of case endings is still more common in the Swedish of the fourteenth century. Molbech says of this period: "The old mother tongue's declensions and endings, which in the fourteenth century but meagerly remained, almost completely disappeared at the close of the century" (Molbech's *Ordbog*, p. xlvii). We find therefore that the expression in the inscription is not out of harmony with fourteenth century usage.

No. 13. This shows the same irregularity of declension as we find above to be characteristic of the period.

No. 17. *rise*. Kalkar gives this spelling as an Old Swedish noun (meaning journey) of the middle ages. The modern form, *reise* or *reysa*, occurs more commonly in the literature of that period.

No. 18. These quotations from the standard literature exhibit the usage of scholars, among whom there was great dissimilarity of standards. The Kensington stone shows rather the usage of the common people, and, as already stated, the two cannot be expected to agree in detail.

No. 19. The runes used are not precisely like those common in 1362, as illustrated by the Mariaklagan and the Scanian Law, these being of about that date, but embrace novel characters, thirteen in number (including punctuations). It cannot be understood why an unlettered Swede of the nineteenth century, attempting a fraud of 1362, should invent, or import, thirteen characters not in common use; since this variation from the common use would hardly be expected to further the acceptance of the fraud. The proper comparison would be with other inscriptions of West Gothland, which the two runic documents referred to are not.

No. 20. It is certainly true that a scant and waning knowledge of runes continued till the nineteenth century.

No. 21. This particular alphabet, according to Professor Flom, appears to have been in use in the sixteenth century in

Elfdalen, in central Sweden, though with some divergences. How much earlier it was used, we do not know; but as people from Gothland ("8 Goths") were of this party and also used this alphabet, it is evident that it was used in Gothland or West Gothland.

This energetic discussion brings out important new facts which every one who is seeking only the truth will welcome; but every one will be at liberty still to make such application of the facts as his own judgment dictates. There are curious anomalies in the arguments of the author, such that the facts presented seem not to be used in their logical sequence, nor in the bearing which they have on each other and on the main issue.

The rune character þ (thorn) is confounded by Flom with a similar character having the upper and lower ends of its semicircle continued somewhat to the left of the vertical bar. This form is said to have taken the place, in part, of þ in the modern Dalecarlian runic alphabet, when, on the disappearance of the sounds *dh* and *th*, a special character was required to represent the sound of *d*, which grew into prominence and persisted. The character thus used does not appear on the Kensington stone, but þ only; and hence only the sounds that þ represented can be fairly ascribed to the stone. Professor Flom's new transcription, on pages 25-26 of his address, seems to be based wholly on his confusion of these rune forms. In 1362 the thorn (þ) must also have represented the sound of *d* in those cases where the *d* sound in spoken language had supplanted *dh* or *th*, though it had not yet been given a special character in written language. The modern runic alphabet, according to Flom, employs only the new form which represents the sound *d*.

On the stone the rune þ occurs fourteen times, distinctly cut, without any suggestion of the modern rune character representing *d*. Yet notwithstanding this the author assumes that the scribe, a man of the latter half of the nineteenth century, as he supposes, and hence familiar with that modern rune for the sound of *d*, ignorantly inscribed þ (the thorn) in these fourteen places. It is not intimated that the use of the

old character was due to the scribe's cleverness, to make the inscription seem ancient, although that would be a consistent view for Professor Flom to take, but he says distinctly that the scribe was ignorant of the character used for *d*. As a matter of fact, the modern sound of *d* was only beginning to be used in spoken language in 1362, and was very rarely recognized then in runic script by *ḡ*, the character for *t* punctuated and thus changed to indicate the *d* sound.

Professor Flom shows that a rune system was used in Dalarne in the sixteenth century and later (page 24), but fails to show how much earlier. Doubtless runes were well known there in 1362, since their use seems to have prevailed throughout Scandinavia from a much earlier time. To except Dalarne would be without reason, unless some special conditions can be shown to have operated against runes in that district. The inference therefore is that they were the ancestors of the Dalarne system of 1600. It remains to ascertain how the ancient runes used there differed from those of 1600 or those of more recent time, and whether they manifested those characters that do not agree with the modern Dalarne system, nor exactly with that of the Scanian Law. Finding important divergences of the Kensington stone from modern runes, Flom abruptly attributes them sometimes to the ingenuity and sometimes to the ignorance of the scribe, not even considering the possibility of their being due to their archaic date.

It is unlikely that a faker with the keenness necessary to guide him in injecting into the inscription certain ancient forms of language should so far forget himself as to leave off the old inflections of the verbs (*om*, *um*, etc), thus giving his work a decidedly modern look. It is more probable that in 1362 those endings had already been dropped in speech, but that a skillful impostor, familiar with ancient literature, would retain them in his inscription.

The conclusions of the appendix (page 43) seem not to be based on the facts brought out by Professor Flom's address. No. 1 is deficient because his address does not treat of "the language as spoken at the time." He only discusses it as written and especially its inflexions, which were dropped much

later in the written than in the spoken language. No. 2 is faulty, for he does not at all discuss "the runic series of the time" (1362). He finds that the Kensington inscription agrees substantially with the recent Dalecarlian system, and where it shows discrepancies (which may arise from greater age) he regards them as evidences of forgery by the scribe. No. 2 is further faulty because of the uncertain significance of the word "modern." Some things that are modern, say of the nineteenth century, began to exist in the fourteenth, but are still "modern," which indeed may be the case of the Dalecarlian rune system as a whole. The verdict of the committee who reviewed Flom's arguments, being founded on evidence not proven, or only assumed, is therefore not conclusive.

The genuineness of the Kensington rune stone must be determined, if Professor Flom's identifications be accepted, by an investigation directed to the question whether the Dalecarlian system of runes existed at the date 1362; for the linguistic objections are largely swept away, and the runic objections appear to be turned into probable evidence in favor of the stone.

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#### INVESTIGATION OF THE RUMOR RELATING TO SVEN FOGELBLAD.

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The following article, reporting an investigation of an alleged forgery of the Kensington Rune Stone, contributed by Mr. H. R. Holand, is reprinted from the Minneapolis Journal, in which it was published August 9, 1910.

Since the famous rune stone of 1362 was found near Kensington, Minn., twelve years ago, it has been subject to a close scrutiny, and many persons have been accused of having forged it. These have, however, been acquitted one after another until now only one remains. This man is one Fogelblad, who was formerly a Swedish Lutheran pastor.

According to the statements of Professors R. B. Anderson and G. T. Flom, the leaders of the opposition against the genuineness of the inscription, Fogelblad was a Lutheran clergyman who later was deposed. He is said to have turned against his former faith and written books



against Christianity, among which was one entitled "Age of Reason." He made his home at Kensington, where he is reported to have carved runes on window casings and doors, etc. One of his favorite subjects of discourse was a strange narrative of how "Scandinavian explorers had visited that region (around Kensington) hundreds of years ago." When he suddenly died, "Fryxell's famous book on the Runes of East Gothland" was found in his trunk. This book was later given by one Andrew Anderson, in whose home Fogelblad died, to Olof Ohman, the finder of the stone. According to Flom and R. B. Anderson this book is a complete commentary on the inscription of the stone.

Such is the rumor published in several newspapers, and now latest in a pamphlet published by the Illinois State Historical Society. It must be admitted that, if this is true, it is serious circumstantial evidence against the truth of the inscription.

Although I have made four or five earlier trips to Kensington and vicinity, I had not heard this rumor, and I have therefore just made a special trip thither to see what could be learned of this man's life and character.

I have spent a week in following the trail through Douglas, Grant, Pope, Meeker and Carver counties. I have talked with persons who knew him in Sweden, with farmers who entertained him for years, with men and women whose entire schooling has been received from him, and, finally, with those who were with him when he died. Although I have interviewed more than a hundred persons, there has been perfect harmony in all their accounts, especially concerning his character.

The following is a summary:

Sven Fogelblad was born about 1820-25 in Sweden. He studied theology and the necessary classic studies that went with it in Upsala. His first public appearance is some time before 1860 when we find him as a jolly curate under Rev. Mr. Rolander in Tomberg parish in Westgothland.

He resigned his pastorate and came to America. Here he was almost persuaded to re-enter the ministry as pastor of a Swedish congregation at Litchfield. But at the critical time his old enemy, drink, tripped him up.

He made his first appearance around Kensington about 1885-90. He is described as a short, thickset man of about 70 years of age, always cheerful and neat. He must have overcome his drink habit, for none of the people around Hoffman and Kensington ever saw him drink or under the influence of drink. He had no permanent home here, but as itinerant schoolmaster used to sojourn for a few weeks at different farmhouses, getting 50 cents per month for each child taught. His classes used to number six to eight pupils, giving him an income of \$3 to \$4 per month, which was all he needed for clothes. When the

times and the seasons were inconvenient for schooling he used to quarter himself upon a farmer. He was extremely lazy, and was never known to have assisted in the harvest or carried in a pail of water or an armful of wood. He preferred to repair old pipes, bind books, make kitchen knick knacks, etc.

In spite of his laziness the farmers were always glad to see him because of his wealth of local news. He knew of births and deaths and other doings far and wide, and was the forerunner of the village newspaper. Moreover he was always absolutely reliable in all his gossip, conscientious and kindhearted in all his narratives, and clean and agreeable in person. He was without any ambition and never studied. He wrote neither books nor pamphlets, his literary efforts consisting of humble doggerels, which rarely if ever were printed. He, however, boasted to several that upon one illustrious occasion long ago in Sweden he had written an article for which a paper had paid him ten kroner (about \$2.50).

Although he always seemed contented, there was an undercurrent of melancholy in him, and those who know him best say he was never happy after he left college. Those days evoked his liveliest memories, and his eyes always overflowed with tears when he told of the times when he with 300 or 400 other students used to sing the stirring Swedish songs. On the whole, he appears to have been a tenderhearted, superficial person in general, with a deep conscientiousness which prevented him from squaring his creed with the doctrine of the church, wearing his sorrows as well as his joys upon his sleeve, inspiring confidence in all by his openhearted ways.

He had been visiting for a year with a nephew in Scott county, when he in 1895 returned to Kensington to visit friends. On approaching the house of one Andrew Anderson, he suddenly felt ill, whereupon he went in there and died after a three days' attack of an unknown malady.

Those who knew him best in Grant and Douglas counties are Messrs. Oslund, Thompson and Simonson of Red Rock Lake, Hendrickson of Hoffman, Ekberg of Herman, and Moen, Carlson, Benson, Ohman and Oberg of Kensington, all among the most respected farmers of that section. To these persons and many others I put the following questions:

Did you ever see or hear of Fogelblad making runes on window casings, doors, or elsewhere? Did he ever speak of American discovery, or of Scandinavians having visited this section long ago? Do you believe he could have had a hand in making the Kensington inscription?

To all of these questions I received an invariable and unequivocal "no." Not one had seen him make runes, not one had heard him speak of Scandinavian explorers in Minnesota, not one believed he could possibly have had anything to do with the Kensington stone. Many of

these persons doubted the stone's genuineness, but, no matter who had chiseled it, they said, they were sure Fogelblad was innocent. He was, they said, too honest and conscientious to have perpetrated such a fraud; he had no aptitude whatever for practical jokes and deceptions; he was too lazy to have executed it, and too garrulous to have concealed it if he had. Furthermore, it is plain from the limitations of his early training and later opportunities that he was entirely ignorant of the fine runological and linguistic points involved in this inscription. Finally, he did not make his appearance around Kensington until many years after the tree above the stone had wound its roots around it.

As to "Fryxell's famous book on the Runes of East Gothland," which, according to Professors Flom and Anderson, contains all the material for this inscription, I assert Fogelblad never possessed or saw this book, for one excellent reason—such a book never existed except in the overwrought minds of these gentlemen of imaginary rune lore. Fryxell never wrote any book whatsoever on runes. For information on this, see every Swedish encyclopedia. The only nut of truth in this entire bag of husks is that Andrew Anderson, in whose house Fogelblad died, found an old Swedish grammar (by Almquist) among his books. On page 34 are two lines of runes to illustrate the development of the language. This book he gave to Olof Ohman, the finder of the stone, who by its help tried to make out the inscriptions, but without success. Three years ago I looked over Ohman's books in his absence and found this work, but saw at once that it had nothing to do with the inscription, as the runes are different. Last spring this book was again brought into the discussion by suspicious persons, and I then asked Professor Winchell, the state archaeologist, to send for the book, which he did. He then laid it before Norse scholars, who said it would be quite impossible to have constructed the inscription from this alphabet.

The small collection of books left by Mr. Sven Fogelblad at his death, at the home of Mr. Andrew Anderson, was found, on inquiry by the Museum Committee, to have been disposed of in part to Rev. M. A. Nordstroem, of Riverside, California. In order to push the investigation of this question still further, inquiry was made of Mr. Nordstroem as to the existence of any works on runes, and especially by Fryxell on runes, in the collection owned by Fogelblad. Mr. Nordstroem replied, after some delay due to change of residence, that the books got by him were on philosophy, that Fogelblad had no work by Fryxell, and added that, in his opinion, Fogelblad could not have made the inscription.

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#### NOTE ADDED FOR THIS VOLUME XV.

In accordance with the recommendation of Professor Bothne (page 269), this Rune Stone, which had been on exhibition about a year in this Society's Museum, was taken by Mr. Holand in May, 1911, for exhibition at the Norman Millennial Celebration in June at Rouen, France, where he gave an address on this subject.

Later in the summer, Mr. Holand traveled with this stone to Sweden and Norway, and it was examined by expert Scandinavian runologists and linguists, especially at the University of Christiania. Their criticisms, and the theory of Professor Flom, that the inscription has modern forms of runes and of words peculiar to the district of Dalarne, are reviewed by Holand in an article entitled "The Kensington Rune Stone Abroad," in Records of the Past (Vol. X, Part V, pages 260-271, Sept.-Oct., 1911).

After carefully considering all the opposing arguments, the Museum Committee of this Society, and Mr. Holand, owner of the stone, believe its inscription is a true historic record.

# THE PUBLIC LANDS AND SCHOOL FUND OF MINNESOTA.\*

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BY HON. SAMUEL G. IVERSON, STATE AUDITOR.

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AN ADDRESS AT THE MONTHLY MEETING OF THE MINNESOTA  
HISTORICAL SOCIETY, IN THE HALL OF THE HOUSE  
OF REPRESENTATIVES, FEBRUARY 13, 1911.

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Mr. President and Members of the Historical Society:

It is with a sincere appreciation of the honor conferred upon me that I accept the invitation of your officers to present a paper on the "Public Lands and School Fund of Minnesota." It is eminently proper that a narrative of this nature should be found among your files, for this honorable society and its membership have been intimately associated with the established State School Land policies and the resulting school fund since 1849.

It has been the settled policy of the United States since the Republic was formed, to assist new Territories and States by grants of land for common schools, a university, public buildings, charitable institutions, and other purposes. The manner of handling or disposing of the lands was left with the people of the several states. The Federal Congress has up to the present time regarded the Public Domain as belonging to the people in general, and its laws have been framed so as to encourage the settlement and development of the country. Public lands have never been regarded by the United States Government as a source of revenue or profit. Most of the states admitted into the Union before Minnesota followed the general policy of the Federal Government to a large extent, and made liberal prices and terms on their school and other public lands, to encourage settlers and develop their states. Minnesota early adopted a conservation policy, which should aid the state's development and also insure the enjoyment of our rich

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\*Published in advance of this volume, February, 1911.



natural resources by the citizens of coming generations. It will be the aim of this paper to tell how the people of Minnesota have handled the liberal gifts of land received from the United States Government.

Our achievements in this regard are sources of wonderment among people in older states of the Union, and of emulation by the citizens of those states which have been admitted in recent years. The results have not been due to automatic operations, but to determined and intelligent work on the part of the splendid men and women of territorial days. Neighboring states, as well located geographically, of equally favorable climatic conditions, received about the same, or even larger, grants of land from Congress; they also had vast tracts of rich agricultural lands, majestic forests of valuable timber and immense deposits of iron and other minerals. The Minnesota School Fund will, however, receive more money from one section of school land, the Hill Iron Mine, than the states of Michigan, Wisconsin and Iowa combined have received, or will ever receive, from all the lands granted to them by Congress. It will be my endeavor to present as briefly as possible those facts in our history which have been largely instrumental in shaping the land laws, which have proven so beneficial to our citizens, and even to the people of other states. The discussion will contain no reference to Government and Indian lands, or to any part of the public domain, but be confined wholly to lands granted by Congress directly to the territory or state for the welfare of the people.

#### FOUNDATION OF THE SCHOOL FUND BY GOVERNOR RAMSEY.

On January 9, 1861, Governor Ramsey delivered a remarkable message to the Legislature. Among other public matters discussed, he therein stated that he believed in fifty years from that time the three million acres of school land, when sold, would yield an annual revenue which would raise our educational system above the level of that of any other state in the Union. Of the remaining lands granted by Congress to the state government, including swamp lands, he stated they might realize seven million dollars, the income from which would

endow the University and Normal Schools, pay off the public debt, and aid in establishing a system of broad, public charities. The old saying, "Where there is a will there is a way," has been well illustrated in this connection. Under right guidance our early legislators were saved from the errors that befell neighboring states. They builded wiser than they knew. Our great War Governor spoke with almost prophetic foresight. His dream, if such it may be called, of a great school fund has become a reality. The half century period has just been passed and our school fund alone, in actual, interest-bearing securities, amounts to Twenty-one Million Five Hundred Thousand Dollars, and we still have more than a million acres of school land alone unsold. The lands in the other funds have produced more than Six Million Dollars, and there are now about two million acres unsold.

The school fund is not, and perhaps never will be, large enough to wholly support our public schools, but it now is and will always be a great help to the tax-payer and a guaranty of free common schools. The lands of the other funds have been largely devoted to the purposes indicated in that message. Our people of today speak of our school fund with feelings of pride, and have good reason to believe that before another fifty-year period has passed our State Trust Funds will have reached the Two Hundred Million Dollar mark. These are marvellous figures. The business of caring for the sale or leasing of land is not an ordinary function of state government. During all these years the State has occupied the position of trustee or guardian. Therefore the story of our "State Lands and the School Fund of Minnesota" is of unusual interest, as it is intimately related to the entire romantic history of the State. It is interesting to recall some of the early incidents which led up to the adoption of sound policies for the care and control of these lands.

The assets of a State or Nation may be placed in three divisions, the natural resources or endowment from an All-Wise Creator, its citizenship, and its government and laws. These are the essentials. There can be no organized, successful community without harmonious union of these three indispensable

factors in nation building. The intelligence, happiness, and prosperity of a people, to a large extent, may be measured by those standards.

In natural resources Minnesota was highly favored. No like area on the North American continent was more lavishly endowed with fertile lands, forests, mines, lakes, rivers, and salubrious climate. Here was indeed a land flowing with milk and honey, where untold treasure merely awaited the oncoming pioneer. The fame of these glittering opportunities spread abroad and attracted many brave men and women who were willing to grapple with strenuous frontier life. Ohio, Pennsylvania, New York, and the New England states, contributed most of the earliest arrivals, and soon afterward came the sturdy immigrants from Canada and Europe. No Territory was more fortunate in its pioneers. The organization of the Territorial and State governments brought the ablest men of the Territory together. A sound provisional government was launched, with wholesome and practical laws. The foundation or groundwork of any structure is exceedingly important, and none more so than one upon which is to be erected a political structure dedicated to civilization and humanity's inherent rights. Here again was Minnesota highly favored.

President Taylor sent a Governor to the Territory who was a diplomat, a master in statecraft and with wide experience in public affairs. Above all else he was honest, patriotic, and carried a level head on a pair of broad shoulders. Alexander Ramsey was a giant among big men who were his co-laborers. He was pre-eminently "the Man of the Hour." He wove into the basic political structure of Minnesota the same elements of strength that Washington and Lincoln gave to the Republic,—wisdom and true patriotism. Ramsey was in truth the founder of our great commonwealth and the father of the Minnesota School Fund.

The act of Congress authorizing a Territorial Government for Minnesota was approved March 3, 1849. Among other things it provided that when the lands in the Territory should be surveyed, sections 16 and 36 in each township were reserved for the purpose of schools in the Territory or State which

would follow. Prior to that time Congress had only granted one section (16) in each township to a new territory or state. Minnesota, therefore, was the first to receive this double allowance for schools. In the same year a census was taken, which showed the total population to be 4,940. The value of all property, both real and personal, was assessed for taxation purposes, and amounted to \$806,437.48. During the first year of the Territory's existence the total amount of warrants drawn on the Treasury was \$1,030.50, truly a modest beginning.

Governor Ramsey reached the Territory in May, 1849. The following September the first session of the Legislative Assembly of the Territory was held in St. Paul. The joint session was held in the dining room of a hotel built of logs, situated on Third street. Among the sound words in his first message to the Legislative Assembly were:

Nature has done much for us. Our productive soil and salubrious climate will bring thousands of immigrants within our borders; it is of the utmost moment that the foundations of our legislation should be healthful and solid. . . . Thus you will see, gentlemen, that yours is a most interesting and responsible position, and that in your hands, more than in that of any future Legislative Assembly, will be the "destinies of Minnesota." . . . No portion of the earth's surface, perhaps, combines so many favorable features for the settler as this Territory.

In the introductory part of this memorable message the Governor displayed that breadth of vision which marks him as a constructive statesman. With rare wisdom he comprehended the seriousness and the importance of the work they were about to undertake as it might affect the welfare of the future commonwealth. I quote the following:

To this distant land, so recently a wilderness, the Congress and Executive of the Nation have just given a name, an organized government, and boundaries of the most extended character. These have been given us, that we may in the future bear a distinctive part in that common destiny of progress by which the American name and American institutions are, by superior intelligence, labor and energy, continually borne peacefully onward, to occupy distant regions with civilization and cultivated happiness.

That our part is sustained in a manner in consonance with the national character—that the footsteps of our infant commonwealth



are guided and the twig bent, while it is yet young, in the true direction of political and moral greatness—depends, in a vast degree, upon the earlier legislation of the Territory. Whilst this legislation should be politically wise, it should likewise indicate, as it can measurably create, that high moral tone which will ever attract us tens of thousands of people who rightly deem a regard for an eternal future as a consideration not to be lost sight of in the selection of a location for the pursuit of temporal happiness or wealth.

The establishment of a public school system, as well as the handling of the school lands, received careful thought and attention. Our pioneers believed in the profound doctrine laid down in the great Ordinance of 1787, that "Religion, morality, and knowledge, being necessary to good government, schools and the means of education shall forever be encouraged." They proceeded slowly and cautiously in the organization of the public school system. As early as February, 1851, the Territorial Legislature passed an act creating the University of Minnesota, and adopted a memorial to Congress asking for a grant of one hundred thousand acres as an endowment for its support. Congress the same year did make the grant of two townships, or about 44,000 acres, for that purpose. The lands were to be set apart by the Secretary of the Interior.

#### DEBATES IN THE CONSTITUTIONAL CONVENTION.

The members of the Constitutional Convention, which met in 1857, had an extensive debate on the manner of handling the school lands and school funds. It was proposed and strongly supported, that each county organization should have complete control over the school lands within its borders; that the sale should be conducted by and through the county commissioners; and that the money collected should be received, cared for, invested, and apportioned, by the county authorities. It was urged that as the funds would some day be very large, it would be dangerous to trust so much wealth to the care and control of any single state officer, or of a central board, composed of several state officers. The questions were debated with fervency and zeal. The printed debates record that the experiences of the neighboring states were frequently referred to, and the members were warned to avoid those methods which had produced such unfortunate results.



Thomas Wilson, of Winona, Thomas J. Galbraith, of Shakopee, and others, spoke against the county plan, advocating one permanent central fund, the income from which should be divided equally among all the school children of the entire state, treating them all alike. It was pointed out that in certain counties where the school population might be numerous, and in need of large amounts to help support the schools, the income from the school fund would be small because of the small acreage and inferior quality of the land. On the other hand in certain counties of more extensive areas, but more sparsely settled and having fewer school children, the school fund might be greater, owing to the larger acreage of land, which might include tracts of valuable pine timber. Under the State Permanent Fund proposition, all the school children of the state, in city, village or country, in densely or sparsely settled counties, were placed on an absolute equality, and each should share alike in the division of the income from this fund. It was also maintained that this was in harmony with the terms of the Act of Congress making the grant, as it was a grant to the State of Minnesota for the use of schools, and not a grant to the county.

It was finally decided that the school lands should be sold at public sale, the principal to be forever preserved inviolate and undiminished as a perpetual school fund of the state, and that the income arising from such fund should be distributed to the townships in proportion to the number of scholars between the ages of five and twenty-one years. The Legislature was given authority over the investment of the funds. The debate showed a wide range of opinion among the members, but the sentiment seemed to crystallize, as the several arguments were made, in favor of one central fund. When it came to a vote there were only five votes in favor of the county plan and thirty-nine in favor of the state-wide consolidated plan.

#### GRANTS OF LAND BY CONGRESS.

Up to the time of the actual establishment of the state government, several grants of land had been made by Congress for the various uses of the state.

Under Sections 8 and 9 of Chapter 16 of an Act of Congress approved September 4, 1841, a grant of five hundred thousand acres of land was made to the several states then in existence, and further grants of a like acreage to each new state thereafter admitted into the Union. The act further provided that the land so granted should not be disposed of at a price less than one dollar and twenty-five cents per acre, and that the net proceeds from the sale of said land should be faithfully applied to *internal improvements*, namely, "roads, railways, bridges, canals and improved water courses and draining of swamps, and such roads, railways, canals, bridges, and water courses, when drained, or improved, to be free for the transportation of United States mail, munitions of war, passage of troops, without payment of any toll whatever." The Act of Congress authorizing a State government, approved February 26, 1857, carried with it several specific grants to the State: first, sections 16 and 36, or 1,280 acres, in each township for the use of *schools*; second, seventy-two sections for a *University*, to be selected by the Governor (additional to the grant made in 1851); third, ten sections, or 6,400 acres, to be selected by the Governor, for *public buildings*; fourth, all *salt springs* within the state, not exceeding twelve in number, with six sections of land adjoining, or contiguous as may be, to be selected by the Governor, to be used or disposed of as the Legislature shall direct. On March 12, 1860, Congress passed an Act granting to Minnesota all the *swamp and overflowed lands* within our borders, which had not been previously reserved or conveyed.

#### LAWS OF MINNESOTA RELATING TO THE SCHOOL FUND.

In his second message to the State Legislature, delivered in January, 1861, Governor Ramsey minutely discussed the need of a careful management of our school lands, and again reminded the Legislature of its responsibilities to future generations. He said:

Of this magnificent grant, the great gift of the nation to all the millions who are to inhabit the soil of Minnesota, you are stewards in their behalf, and it devolves upon you to see that the sacred trusts involved are faithfully executed. . . .

The precedent which you shall establish will go far to shape the

future policy of the State in this regard, and therefore upon you will depend, in a great measure, whether these vast estates, consecrated to the noblest aspirations of a free people,—to Education, which is the root of liberty, and to Charity, which is its fruit,—shall be husbanded with a wise and statesmanlike economy, or squandered with a blind improvidence,—whether the institutions to be built upon these ample foundations shall be forecast to the broad measure of our destiny, or stunted in their germ by a selfish eagerness for premature results. . . .

Looking, then, at the ultimate fund to be derived from the school lands as a permanent resource of education for all time to come, it is for you to decide what this magnificent endowment is to be worth as an instrument of social development to the unborn millions of the future. The estimate now placed upon it will be the witness to posterity of the loftiness or the meanness of the views which actuate us. This estimate will be expressed first of all in the minimum price which you shall affix to the lands. The question of a minimum, you will perceive, is in fact the cardinal point to be established.

Here, again were the business sagacity and foresight of Governor Ramsey visible. The United States government, under its cash entry and pre-emption laws, was selling the public domain at a fixed price of \$1.25 per acre. To a large extent that established the price for all lands. It was urged by many that if the State should offer its lands at the government price it would encourage settlement. On the other hand, it was claimed that the State should adopt a much higher price, say ten or twelve dollars per acre, in the interest of a larger school fund. The Governor advocated a middle ground, stating that to fix a very high price would retard settlement and place the state in the position of the speculator, as it could hold its lands for an indefinite term without paying taxes, relying upon future settlements and population to bring a higher price; and that if the state should sell at the low price, the same as was done in neighboring states, the lands would soon all be gone and a comparatively small fund would be realized. The outcome of the discussion was fortunate, a conservative policy was established.

The first result was that the Legislature of 1861 (Chapter 14, G. L. 1861) created a Board, consisting of the Governor, Attorney General, and Superintendent of Public Instruction, to have the general care and supervision of all state lands.

The State Auditor was named "Register," and the State Treasurer was designated "Receiver," of said Board. The minimum price was the amount fixed by the regular board of appraisers, which in no case should be less than \$7.00 per acre, and 25 per cent of the purchase price was to be paid on the day of the public sale, the remainder to run twenty years at six per cent. On the lands that were chiefly valuable for timber, 75 per cent of the purchase price was to be paid in cash, or secured in a satisfactory manner. The same Act provided that the funds arising from such sales should from time to time be invested in United States bonds or bonds of the State of Minnesota.

In 1862 (Chapter 52, G. L. 1862) this law was changed, making the State Auditor ex-officio Commissioner of the Land Office, and fixing the minimum price at \$5 per acre, and providing that 15 per cent of the purchase price should be paid at the time of the sale on agricultural lands, and on timber lands 75 per cent, and the remainder to run twenty years at the rate of seven per cent, payable in advance.

In 1863 (Chapter 12, G. L. 1863) the Legislature again changed the law, particularly as to timber lands, authorizing the Commissioner of the State Land Office to sell pine timber at public sale by the thousand feet, after the same had been duly appraised, payment to be made upon a survey or scale of the amount of timber cut by the Surveyor General of Logs and Lumber, in the district where the timber was situated. Land classified as "Pine Land" was not to be offered for sale until the timber had been sold. With the exception of a reduction in the rate of interest from seven to five per cent, and later to four per cent, and the extension of time of payments on the remainder to forty years, and increasing the kinds of securities in which school funds may be invested, the law of 1863 is substantially the same as the one under which we are operating at the present time.

In 1885 the Legislature (Chapter 269, G. L. 1885) expressly provided that no timber on state lands should be sold under any conditions, unless such sale was necessary to protect the state from loss. Such liability of loss or damage could be by fire, windfalls, or from any other cause, which, in the opinion



of the Governor, State Treasurer, and Commissioner of the State Land Office, would be deemed sufficient. This provision has continued. During these years the State has only sold its pine timber when the land examiners reported that it was in danger of waste or destruction.

Another very important law was passed by the Legislature of 1901 (Chapter 104, G. L. 1901), reserving to the State all minerals on lands owned or that might thereafter accrue to the State.

#### IRON ORE LANDS.

During many years there had been explorations for minerals in the northeastern part of Minnesota, particularly for the precious metals, gold and silver, and several mining camps flourished. During the early seventies iron ore was found in the vicinity of Vermillion lake, and in 1875 a grant of swamp land was made to a railroad company to aid in developing the iron mines. This became the Duluth and Iron Range Railroad Company, which has been a prominent factor in the development of the iron ore industry in Minnesota. In the eighties there were rumors of iron ore discoveries southwest of Vermillion lake, on what has since been known as the Mesaba Range. Up to that time there had been no thought of withholding the state lands from sale on account of the iron ore or other minerals. After the timber had been regularly sold, the lands were then subject to sale for agricultural purposes at the minimum price of \$5.00 per acre. The timber on a great many of the lands in that region had been sold and the land was subject to sale, and no doubt many were anxious to purchase them. This is apparent from a report made by Capt. William W. Braden, who was State Auditor from 1882 to 1891. In this report to the State Legislature, covering the two years ending July 31, 1888, Auditor Braden stated under the head of "Mineral lands:"

I have refused to sell lands in the "Iron Range" of St. Louis, Lake and Cook Counties, believing that the law authorizing sales, especially in the above named counties, should first be amended so as to reserve to the state all the mineral rights. Without doubt, valuable deposits of iron ore will be found on state lands. Such lands should not, in



my judgment, be sold by the acre. Suitable laws should be passed allowing them to be leased for a long term of years, the lessee paying to the State a stated price per ton for the ore mined, as a royalty.

Had Auditor Braden yielded to the pressure of those who wanted him to sell the lands outright, which he could have lawfully done, we would not today be talking of a two hundred million dollar school fund. Through his refusal to sell, the State retained the fee title in those valuable tracts of cut-over lands, which have since shown up countless millions of tons of iron ore. Mr. Braden arbitrarily, and without express authority of law, reserved the mineral on certain state lands which he sold in the vicinity of Grand Rapids in 1890. That was in a country far removed from any known iron discoveries. Since that time iron has been discovered even to the westward of Grand Rapids. In the Legislature of 1889 a bill drawn by Mr. Braden was enacted into a law, permitting the leasing of state lands for iron mining purposes.

At this point your attention is called to the law passed by the Legislature of 1863, directing that the state lands should be classified, and that those known as "pine timber lands" should not be sold outright until the pine had been sold at public sale and the timber accounted for according to a surveyor general's scale. That Act reserved the fee in the State, until such time as the land should be wanted for agricultural purposes. Thus it happened that when iron was discovered the State found itself the owner in fee of about 40,000 acres of lands situated squarely on the narrow belt of land extending from Mesaba station on the Duluth and Iron Range Railroad southwest to Grand Rapids. If the State had offered its lands with standing timber for sale, the chances are that nearly all would have been sold, perhaps for a high price per acre, in which event the iron deposits would of course have fallen to the several buyers. The most valuable iron mines on the range were obtained from the government, under the Federal land laws, without any regard to the fabulous wealth that lay beneath the surface. The classification of the lands in the early days was for the purpose of insuring to the State a fair return for the value of the timber, because it was reasoned out

that land carrying timber varied greatly in value, according to the quality and quantity.

There is a suggestion of luck in the finding of these large iron mines on state lands. The State's good fortune has come as a blessing to us and to millions of Minnesota's future citizens, because at critical times in the affairs of the State her servants acted with wisdom and devotion to the public welfare. The range of iron ore bearing lands has been extended into other counties, far removed from the original discoveries, and large deposits have been found. There appears no limit to the future possibilities. The law of 1901, reserving all mineral on state lands for the exclusive use and benefit of the school and other trust funds to which the lands belong, insures large returns from future discoveries.

#### INVESTMENT OF MONEY RECEIVED.

Under the constitution adopted in 1857, the Legislature was given full authority to prescribe the method of handling the funds and to specify the kinds of securities. It has always been a matter of great concern to find safe investments for the moneys received from the sale of lands, timber, and minerals. Permanency and security for the funds, rather than high rates of interest, have been the things sought for. The first law on the subject limited the investments to bonds of the United States and of the State of Minnesota. A few years later a Board of Investment was created consisting of the Governor, State Treasurer, State Auditor, President of the Board of Regents of the State University, and the Chief Justice of the Supreme court; and the bonds of several other states of the Union were added to the list of permissible investments. Sometime thereafter the bonds of all the states of the Union were recognized.

In 1886 an amendment to the constitution was adopted by the people, authorizing the investment of these funds in school district bonds within the State at five per cent interest, limiting the amount that could be loaned to three per cent of the assessed value of the real property, and creating a smaller Board of Investment to conduct this business, consisting of the Gov-

ernor, State Treasurer, and State Auditor. This last method has been amended from time to time, until now the loans can be made to all the municipalities of the State, such as counties, townships, cities, villages, school districts, and county ditch bonds, all at a uniform rate of four per cent interest; and the maximum amount that can be loaned has been increased to 15 per cent of the assessed real property valuation.

Under this system the State Auditor makes a levy upon all the taxable property within the municipal corporation for both principal and interest as the bonds become due, and the amount is paid to the County Treasurer by the property owners with their general taxes. At the proper time the State Auditor makes a draft on the county treasurers for the principal and interest due, which is paid into the State Treasury in the same manner as all other demands of the State. It is a gratifying fact, and a tribute to the business judgment of both the Legislators and the Board of Investment, to be able to state that from the beginning of the State government to the present time not one dollar has ever been lost on the investments of moneys belonging to the school and other trust funds. The income derived from the investments in the permanent school fund alone, has increased from \$70,016.45 in 1864 to \$807,164.11 in 1910.

The distribution is made in March and October yearly on the order of the State Superintendent of Public Instruction. This now produces about two dollars a year for each pupil in our public schools. The total income since the organization of the State, which has been apportioned twice a year for the benefit of the public schools, reaches the enormous sum of \$18,020,173.47. In other words, that is the amount actually received as the income from our permanent school fund; and we have the principal intact, amounting to twenty-one and a half million dollars, and now increasing at the rate of more than a million dollars a year.

#### STATISTICS OF LAND GRANTS, SALES, AND RESULTING FUND.

A historical review of this kind would be incomplete without showing in detail the total acreages actually acquired by

the State under the various congressional grants, the amounts conveyed by sale or otherwise, the proceeds resulting from sales of land, timber, or minerals, and the securities in which the trust funds are invested. The acreage granted and approved to the State up to the present time under the several acts of Congress are:

|                                  |              |        |
|----------------------------------|--------------|--------|
| School lands .....               | 2,955,902.80 | acres. |
| Internal Improvement lands ..... | 499,286.50   | "      |
| Public Building lands .....      | 6,395.12     | "      |
| Agricultural College lands.....  | 94,439.28    | "      |
| State University lands.....      | 91,524.99    | "      |
| Salt Spring lands .....          | 44,917.69    | "      |
| Swamp lands .....                | 4,461,157.14 | "      |

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Total ..... 8,153,623.52 acres.

By an Act of the State Legislature (Chapter 133, G. L. 1873), the *Salt Spring lands* were transferred to the custody and control of the Board of Regents of the State University of Minnesota, to be sold in such manner or in such amounts as they may see fit, devoting the proceeds for a geological and natural history survey of the State. The law provided that the Board of Regents shall make a full statement of the sales of the Salt Spring lands, together with the moneys received, when the geological and natural history survey of the State shall have been completed. In recent years the amounts collected from the sale of the lands and interest on land contracts have been regularly paid into the State Treasury and paid out again on the requisition of the Board of Regents for the natural history and geological surveys. No permanent fund was ever created from the Salt Spring lands. The total amount obtained to date and expended on the geological and natural history survey is about \$315,000, which presumably is about the sum realized from the sale of the lands, both principal and interest. With the exception of the Salt Spring lands and a portion of the first grant to the State University, all the lands granted by Congress to the State of Minnesota have been handled and managed by the State Auditor's Department.

The following is the acreage of the lands granted or con-

veyed by acts of the State Legislature or sold under the State land laws:

|                                 |              |        |
|---------------------------------|--------------|--------|
| School lands .....              | 2,015,332.26 | acres. |
| Internal Improvement lands..... | 491,528.79   | "      |
| Public Building lands .....     | 6,395.12     | "      |
| Agricultural College lands..... | 94,439.28    | "      |
| University lands .....          | 69,354.04    | "      |
| Salt Spring lands.....          | 44,917.69    | "      |
| Swamp lands .....               | 2,945,251.00 | "      |

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Total ..... 5,667,218.18 acres.

The acreages of unsold and unconveyed lands at this time, which have been patented to the State, are:

|                                 |              |        |
|---------------------------------|--------------|--------|
| School lands .....              | 940,570.54   | acres. |
| University lands .....          | 22,170.95    | "      |
| Internal Improvement lands..... | 7,757.71     | "      |
| Swamp lands .....               | 1,515,906.14 | "      |

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Total ..... 2,486,405.34 acres.

The following statements show the total accumulations from all sources, credited to the several funds, and the securities owned by the respective funds, up to and including August 1, 1910. The receipts from the Agricultural College lands are included in the University Fund.

*Permanent School Fund.*

*Accumulations.*

|                                                     |                 |
|-----------------------------------------------------|-----------------|
| Sales of lands.....                                 | \$12,725,306.42 |
| Amounts paid on forfeitures, right of way, etc..... | 193,120.65      |
| Sales of timber .....                               | 6,053,690.73    |
| Mineral permits and leases.....                     | 277,050.77      |
| Royalty on iron ore.....                            | 1,391,832.86    |
| Profits on sales of bonds.....                      | 361,569.94      |

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Total ..... \$21,002,571.37

*Investments.*

|                                         |              |
|-----------------------------------------|--------------|
| Cash in State Treasury.....             | \$100,462.81 |
| Unpaid principal on land contracts..... | 5,953,905.95 |
| Bonds as follows:                       |              |



|                                                                   |                 |
|-------------------------------------------------------------------|-----------------|
| Alabama (\$143,000) 5 per cent.....                               | 140,755.00      |
| Delaware, at 3 per cent.....                                      | 4,000.00        |
| Louisiana, at 4 per cent.....                                     | 150,000.00      |
| Massachusetts, at 3 per cent.....                                 | 2,595,000.00    |
| Massachusetts, 3½ per cent.....                                   | 300,000.00      |
| Minnesota Capitol certificates, 3 and 3½ per cent....             | 1,900,000.00    |
| Minnesota cities, counties, townships, and school districts ..... | 8,037,017.61    |
| Tennessee, 4½ per cent.....                                       | 270,000.00      |
| Utah, 3¼ per cent.....                                            | 100,000.00      |
| Virginia (\$1,635,000), 3 per cent.....                           | 1,451,430.00    |
| Total .....                                                       | \$21,002,571.37 |

*Permanent University Fund.**Accumulations.*

|                                                    |                |
|----------------------------------------------------|----------------|
| Sales of lands .....                               | \$831,341.57   |
| Amount paid on forfeitures, right of way, etc..... | 15,540.81      |
| Sales of timber .....                              | 500,441.21     |
| Mineral permits and leases.....                    | 70,803.00      |
| Royalty on iron ore .....                          | 22,329.65      |
| Transfer from State Institutions Fund.....         | 7,292.73       |
| Transfer from Internal Improvement Land Fund.....  | 150.00         |
| Profits on sales of bonds.....                     | 900.00         |
| Total .....                                        | \$1,448,798.97 |

*Investments.*

|                                                  |                |
|--------------------------------------------------|----------------|
| Cash in State Treasury .....                     | \$17,924.98    |
| Unpaid principal on land contracts.....          | 283,384.94     |
| Bonds as follows:                                |                |
| Delaware, 3 per cent.....                        | 131,000.00     |
| Minnesota cities, vilages, etc., 4 per cent..... | 539,244.00     |
| Massachusetts, 3 per cent.....                   | 130,000.00     |
| Tennessee, 4½ per cent.....                      | 80,000.00      |
| Virginia (\$355,000), 3 per cent.....            | 267,245.05     |
| Total .....                                      | \$1,448,798.97 |

*Internal Improvement Land Fund.**Accumulations.*

|                                                    |                |
|----------------------------------------------------|----------------|
| Sales of lands .....                               | \$2,808,549.38 |
| Amount paid on forfeitures, right of way, etc..... | 21,008.05      |
| Sales of timber.....                               | 114,190.44     |
| Mineral permits and leases.....                    | 850.00         |
| Total .....                                        | \$2,944,597.87 |

*Investments.*

|                                                             |              |
|-------------------------------------------------------------|--------------|
| Cash in State Treasury.....                                 | \$8,573.77   |
| Unpaid principal on land contracts .....                    | 277,930.35   |
| Louisiana bonds, 4 per cent.....                            | 23,000.00    |
| Virginia bonds (\$55,000), 3 per cent.....                  | 52,093.75    |
| Railroad adjustment bonds, destroyed.....                   | 2,533,000.00 |
| Prison Building certificates of indebtedness, 4 per cent... | 50,000.00    |

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Total ..... \$2,944,597.87

Deducting \$2,533,000, Railroad Bonds, leaves \$411,597.87 actually in the fund.

*Swamp Land Fund.**Accumulations.*

|                                               |              |
|-----------------------------------------------|--------------|
| Sales of lands .....                          | \$971,428.51 |
| Amount paid on forfeitures, right of way..... | 9,265.69     |
| Sales of timber.....                          | 460,672.17   |
| Mineral permits and leases.....               | 65,137.00    |
| Royalty on iron ore.....                      | 74,751.83    |

---

Total ..... \$1,581,255.20

*Investments.*

|                                                                                   |            |
|-----------------------------------------------------------------------------------|------------|
| Cash in State Treasury .....                                                      | \$9,087.62 |
| Unpaid principal on land contracts.....                                           | 770,493.58 |
| Louisiana bonds, 4 per cent (transferred from State In-<br>stitutions Fund) ..... | 38,000.00  |
| Minnesota Capitol certificates, 3 per cent.....                                   | 200,000.00 |
| Minnesota school districts, cities, counties, etc.....                            | 466,694.00 |
| Virginia bonds (\$100,000), 3 per cent.....                                       | 96,980.00  |

---

Total ..... \$1,581,255.20

*Total Amount received for all the Funds.*

|                                     |                 |
|-------------------------------------|-----------------|
| Permanent School Fund.....          | \$21,002,571.37 |
| Permanent University Fund.....      | 1,448,798.97    |
| Internal Improvement Land Fund..... | 2,944,597.87    |
| Swamp Land Fund .....               | 1,581,255.20    |

---

Total ..... \$26,977,223.41

## INTERNAL IMPROVEMENT LANDS.

The 500,000 acres of Internal Improvements Lands, granted in 1841, have had a somewhat meteoric career. They lay

dormant until 1872, when by constitutional enactment a permanent fund was created. In 1881 the Legislature (Chapter 104, G. L. 1881) passed an Act to apply the moneys of this fund to the payment of the railroad adjustment bonds of 1881. These bonds were issued as a compromise in the settlement between the State and the holders of the old State Railroad Bonds of 1858. By a substantial vote the people appropriated these fine farming lands toward the extinguishment of the folly of the Legislature of 1858.

In 1891, when the bonds of 1881 were subject to call, a refunding act was passed (Chapter 31, G. L. 1891) to refund at a lower rate an amount of bonds which, with the proceeds of the Internal Improvement Fund, would provide for the entire bond issue of 1881. The amount of the fund thus used for the purchase of the bonds of 1881 was \$2,533,000, which were duly destroyed. The last of the issue of 1891 which refunded the remainder, was paid by the State in July of 1910. Thus, after a lapse of 52 years and the payment of millions of money, did the people maintain the honor and credit of the State.

In 1896 the people voted to devote the remainder of these lands for the purpose originally intended, namely, for good roads, bridges, and highways in general. The fund now holds over \$400,000 in securities, and the remaining lands should bring this up to a half million, which will no doubt forever remain as an endowment for better roads and bridges in the State.

#### PUBLIC BUILDING LANDS.

The ten sections of lands given to the State in the Enabling Act for Public Buildings were selected in the County of Kandiyohi, and they remained undisturbed until the Legislature of 1901 (Chapter 177, G. L. 1901) passed an act directing the State Auditor to sell the lands and to credit the proceeds to the Revenue Fund for the purpose of completing the State Capitol Building. The total amount realized from the 6,395 acres was \$125,482.00. The sales were made under the same conditions as other state lands.

## AGRICULTURAL COLLEGE LANDS.

In an Act approved July 2, 1862, Congress made a grant of lands amounting to 30,000 acres for each senator and representative in Congress, under the apportionment of 1860, as an endowment for the support of a college where the leading object shall be "to teach such branches of learning as are related to agriculture and mechanic arts." Under that grant the State was entitled to 120,000 acres. The act provided that if double minimum lands were selected, that is, lands within the limits of a railroad grant, then the State should be charged double for each acre so selected (page 243, Vol. 5, U. S. Land Decisions). The State Auditor in 1867 selected 25,511 acres of such lands which counted double on the grant. Therefore the State actually received on this grant 94,439.28 acres only, but it was a complete satisfaction of the terms of the granting act. These selections were very choice agricultural lands and were all sold many years ago.

The Legislature of 1865 (Chapter 7, G. L. 1865) passed an Act to establish an Agricultural College and Experimental Farm. It was located on Section 16, Township 115, Range 28, which is near Glencoe in McLeod county. The act created a board to be known as "The Agricultural College Board," to consist of the Governor, Secretary of State, and President of the State Agricultural Society, as ex-officio members, and four members to be elected by the Legislature. The Board was given full care and management of the College and farm and the disposition of the lands and funds donated. All the swamp lands in McLeod county were donated to that college, and the interest from the proceeds from sales of the lands granted by Congress was applied and appropriated annually to the maintenance of the Agricultural College. By Chapter 9, G. L. 1865, the Legislature in effect amended the former act by providing that the lands granted by Congress should be appraised and sold and the moneys handled in the same manner as school lands, that is, creating a Permanent Fund as an endowment for the Agricultural College. The act further provided that if any part of the moneys invested should be lost, through any

cause, the loss should be replaced by the State, so that the fund should forever remain undiminished.

In Chapter 1, G. L. 1868, the Legislature passed a law to reorganize the University of Minnesota, and to establish an Agricultural College therein. This repealed the Act establishing the Agricultural College in McLeod county; and by Chapter 55, G. L. 1868, the lands granted by Congress as an endowment for a College of Agriculture and Mechanic Arts were to be sold in the same manner as school and other state lands, and the proceeds to be credited to the Permanent University Fund, the same as other lands granted by Congress for University purposes. Therefore the proceeds from the sales of the Agricultural College lands and the University lands became merged in the Permanent University Fund, and the income from the investments was appropriated for support of the University.

#### SWAMP LANDS.

By an Act approved September 28, 1850, Congress granted to the State of Arkansas all the swamp and overflowed lands unfit for cultivation, to enable that state to construct the necessary levees and drains to reclaim them. In an Act approved March 12, 1860, Congress extended the provisions of that act to Minnesota and Oregon. The manner of selecting these lands was largely left discretionary with the Secretary of the Interior.

After some correspondence between the Governor and the Interior Department two propositions were submitted to the State, first, whether the State would be willing to abide by the field notes of the surveys as designating the lands, or, second, whether in the absence of their non-acceptance of these notes as a basis, the State would furnish evidence of the character of the lands from an actual survey in the field. The first plan suggested would cause no expense whatever to the State. As a consequence the Legislature in 1862 (Section 48, Chapter 62, G. L. 1862) passed a law to the effect "that the surveys on file in the Surveyor General's office are hereby adopted as the basis upon which will be accepted the swamp lands granted to the State by the Act of Congress of March 12, 1860." That was the rule by which swamp lands were selected for the State until 1886, when the Department of the Interior made the field notes of survey simply *prima facie* evidence of



the character of the lands, subjecting them to contest and compelling the State to defend its title by competent proof. This rule prevailed until 1903, when the Interior Department, in a large measure, reinstated the rule of accepting field notes of the surveys, and with slight modifications that method controls the selecting at the present time.

The actual character of the swamp lands at the time of making the grant was largely unknown, beyond the fact that they were generally low and flat, open meadows or bogs, and some covered with timber, as is usually found on such lands. The question of their disposition received considerable thought and attention. By some it was contended that the proceeds from sales should be devoted to the purpose of draining and improving them, as the terms of the granting act implied. On the other hand it was urged that Congress had specified no method by which this should be done; and in other states, which had received similar grants and had devoted all or a part to the reclamation of the land, the results had not proven satisfactory. The lands were considered of little value, which was shown by the very liberal grants made by the early legislators in aid of railroad construction.

It is exceedingly fortunate that the lands were not all given away, because on three contiguous forty acre swamp tracts, which the State has received, the trust funds will be enriched by nearly ten million dollars from the iron ore contained therein. This is the well known Scranton mine near Hibbing. Instead of creating a fund from the sale of these lands and using the proceeds for the reclamation of them, our early legislators apparently preferred to give them to railroads or other corporations, so that they would in that way come into the possession of private parties who would have an interest in draining or making them fit for use and occupancy.

In 1881 the people adopted an amendment to the State Constitution (Section 2, Article 8), providing that all the swamp lands owned by the State, or that would thereafter accrue to the State, should be in all respects treated and sold in the same manner as school lands, and that the principal derived from such sales should become a permanent fund, one-half of the proceeds therefrom to be apportioned to the com-

mon school fund of the State, and the remaining half to the educational institutions in the relative ratio of the cost of the support of said institutions. That amendment was in effect a repeal of a grant of 525,000 acres made by the Legislature in 1865 to several State institutions. In 1907 (Chapter 385, G. L. 1907) the Legislature made the provisions of the constitution effective by directing the disposition of the funds as was therein specified.

No doubt the intention of the framers of that amendment to the constitution was to forever prohibit further grants of lands to railroads or other corporations, and saving the remainder to our school fund and to aid in maintaining our other institutions. As a result of that very wise provision, we have saved approximately two million acres of the swamp land grant, many of them exceedingly valuable. The total acreage of swamp lands that have been patented to the State up to the first of August, 1910, was 4,461,157.14 acres. From these lands 2,885,635.63 acres have been conveyed by the State to railroads and other corporations under acts of the Legislature, and 150,954.79 acres have been sold under state laws, leaving at this time 1,424,566.72 acres unsold. All the railroad grants have now been filled, excepting that of the Duluth and Iron Range railroad, which is still entitled to 6,505 acres. An additional 600,000 acres of swamp lands are now in process of being selected and approved, for which the state will at no distant day receive patents.

The following statement shows in detail the dates of the legislative granting acts and the names of the companies and the number of acres of swamp land received by each. It is good evidence of the desire of the people to encourage railroad and other transportation facilities fifty years ago.

*Swamp Land Grants to Companies by Acts of the Legislature.*

| Date of Act. | Grantee.                                                                       | No. of Acres |
|--------------|--------------------------------------------------------------------------------|--------------|
| March        | 8, 1861, Lake Superior and Mississippi (now St. Paul and Duluth) R. R. Co..... | 694,399.17   |
| March        | 8, 1861, Taylors Falls and Lake Superior (now St. Paul and Duluth) R. R. Co.   | 91,829.96    |

|             |                                                                                        |              |
|-------------|----------------------------------------------------------------------------------------|--------------|
| March       | 12, 1861, County Commissioners of McLeod county, as Trustees of Stevens Seminary ..... | 4,684.17     |
| March       | 7, 1862, Madelia and Sioux Falls Wagon Road .....                                      | 4,683.71     |
| March       | 5, 1863, St. Paul and Chicago (now Chicago, Milwaukee & St. Paul) R. R. Co.            | 462,336.00   |
| February    | 11, 1865, Minneapolis and St. Cloud (now Great Northern) R. R. Co.....                 | 425,664.00   |
| February    | 16, 1865, Southern Minnesota Railroad Co...                                            | 36,777.84    |
| March       | 2, 1865, Minnesota Central (now Wisconsin, Minnesota & Pacific) R. R. Co...            | 275,000.00   |
| March       | 2, 1865, Cannon River Manufacturing Association .....                                  | 24,190.45    |
| March       | 9, 1875, Duluth and Iron Range R. R. Co...                                             | 600,214.33   |
| March       | 3, 1881, Little Falls and Dakota R. R. Co...                                           | 265,856.00   |
| Total ..... |                                                                                        | 2,885,635.63 |

## FUTURE RECEIPTS.

Of the \$27,000,000 received and credited to all the funds, \$7,128,994.55 represents sales of timber, and \$1,902,755.11 from iron-bearing lands. There are about three million acres unsold. Much of this land carries pine or other timber of commercial value. It is safe to estimate that \$7,000,000 more will be realized from future timber sales. Of iron-bearing lands the State is the largest single fee owner. We do not own the largest mines, but we do actually own more in the aggregate than any individual or private corporation.

The acreage held under the State Mineral Law at this time is:

|                        |           |
|------------------------|-----------|
| School lands .....     | 20,368.80 |
| University lands ..... | 3,931.28  |
| Swamp lands .....      | 5,017.82  |
| Total acres .....      | 29,317.90 |

Under these contracts the lessees agree to pay all general taxes on the land, and a royalty of 25 cents a ton. The minimum output is 5,000 tons a year after a railroad reaches within one mile of the land. Before that time an annual fee of one hundred dollars is paid. In 1910, for taxation pur-

poses, the State Tax Commission assessed certain state lands as active mines and fixed the tonnage as follows:

|                                 |             |
|---------------------------------|-------------|
| 2,330 acres School land.....    | 105,294,969 |
| 440 acres Swamp land.....       | 31,059,977  |
| 520 acres University land ..... | 8,844,871   |
| <hr/>                           |             |
| Total tons .....                | 145,199,817 |

The money valuation placed on this tonnage for taxation is \$17,035,312.00. That represents a little more than one-tenth of the acreage now under contracts with the State. These lands show up an average of about 1,750,000 tons per forty. This is probably somewhat higher than the entire acreage will produce, but it is not unreasonable to estimate an average of one million tons per forty for all the lands under lease. This will produce 750,000,000 tons of iron, which at 25 cents per ton will make the splendid sum of \$187,500,000. This added to our present funds and other receipts will bring the total to something more than \$200,000,000.

These are very large, almost startling figures, but from information even now obtainable, it is reasonable to believe that this enormous sum will be realized from those lands now under contract within the coming forty-five years. As an additional source of future income, we have the very large acreage of state lands scattered over northern Minnesota, in many of which iron ore has been developed in paying quantities. Another fact to be considered in this connection is that the mineral law of 1889 was repealed in 1907, and it is expected that when a new law is enacted it will provide for a higher royalty per ton and a much larger minimum output. This will in no small degree enhance the future prospects from the iron on state school lands.

The lands too wet for cultivation are being drained. The Legislature has appropriated \$100,000 a year for several years for that purpose. It is therefore fair to assume that the remaining three million acres, when sold for agricultural purposes, will yield the minimum price of \$5.00 per acre, or \$15,000,000.

The State Government has never undertaken the actual development of school and other state lands. No attempt has

ever been made to clear or fit agricultural lands for farming purposes, to cut the timber and sell the logs or other forest products; neither has the State ever attempted to explore or develop those lands which are situated in the iron district. Exploring and developing iron is very expensive and somewhat uncertain, and the State has contented itself with merely being a lessor, giving options or contracts to those who were willing to spend their money in explorations. Parties dealing with the State in this matter were protected in their expenditures, because, under the law, if ore was found they could obtain a binding contract good for fifty years.

#### SUGGESTED CHANGES IN THE STATE LAND LAWS.

The policy adopted by our pioneers for the care and sale of our school and other state lands, and the laws regulating the same, have received a great deal of comment in newspapers and otherwise in the last few years, and in many instances both policy and laws have been criticised. The main reason for such contention is that the laws are regarded as not elastic enough to permit easy acquirement of both timber and land by those who intend to settle upon and cultivate the land.

While it must be admitted that our laws are far from perfect, the size of the existing funds should not be forgotten. The results have been most favorably commented upon by magazine and newspaper writers throughout the country. The State's good fortune is due to the fact that nearly fifty years ago our legislators and executive officers acted with almost prophetic wisdom. The achievements under these landmarks of the State, even though they now appear ultra-conservative, should cause them to be gratefully remembered.

Time, however, has brought about many changes in conditions. In justice both to the interests of the State at large and to the citizens who live in the counties where state lands are largely located, certain modifications of our laws should be made.

Roads should be built under the supervision of the State Highway Commission, the cost thereof to be assessed against all the adjoining land that may be benefited. In that way school and other state lands can be made to contribute directly



to the building of roads, and the Legislature may provide for the same by an adequate appropriation. The reclamation of the wet lands by drainage should continue; a complete and comprehensive fire protection organization should be installed, covering the entire district from Cook county nearly to the Red river of the North; common schools should be assisted in frontier communities not able to support them. The Legislature could make an appropriation which may be distributed by the local and state authorities, within reasonable safeguards. Land not suited for agriculture should be kept for forestry purposes, thus insuring a continuous timber supply.

The building of roads, drainage, forest fire protection, and schools, are undertakings of such a magnitude that private enterprises should not be called upon to undertake them. The enactment of laws along the lines suggested above may not entirely satisfy all critics, but I believe they will be valuable aids to the sale of lands, and to the settlement and development of those districts where the State Trust Fund lands are largely located.

#### SUMMARY OF THE SCHOOL SYSTEM OF MINNESOTA.

It has been the purpose of this paper to present a fairly accurate historical review of the various land grants made by Congress to the State, and the disposition of the proceeds from such lands. Some space has been profitably devoted to public events in the early history of the Territory and State, which have had a marked bearing upon the laws by which these magnificent inheritances have been conserved. We have seen the funds grow year by year, and the moneys securely invested, and we now talk of hundreds of millions in the future.

Our schools of learning command the admiration of the country. Our great State University, with five thousand students, we confidently believe will receive an endowment from these lands of twenty-five million dollars, insuring a perpetual income of one million dollars a year. This will indeed be a princely income, and it gives positive assurance that higher and professional branches of education will be forever among the opportunities open to ambitious young men and women.

The five normal schools are models of their kind. There are at this time 207 high schools, each receiving \$1,750 of direct aid for maintenance from the Legislature, which is additional to the school fund distribution; 173 graded schools receive \$600 each; 400 semi-graded schools receive \$300 each; 1,860 rural schools of the first class receive \$150 each, and 1,127 rural schools of the second class receive \$100 each. The Legislature has set aside about \$850,000 a year from the General Revenue Fund, to aid the schools named. The total number of pupils attending public schools in 1910 was 440,083; the gross sum expended in the year for teachers' wages and all other expenses was \$13,724,437.48; the teachers number 15,157; there are 8,609 schoolhouses, of the value of \$28,506,866; libraries costing \$735,702 are found in 6,566 of the schoolhouses.

As we review the educational developments of the past few years and contemplate the unbounded possibilities of the years to come, our thoughts are filled with deepest gratitude to Alexander Ramsey and his compatriots of pioneer days. The footsteps of the infant commonwealth were guided rightly; the young twig was bent in the true direction. Honesty, fidelity and devotion to the common welfare, were among the materials used in building the foundation of the Permanent School Fund.

The influence of such work upon succeeding legislation is very apparent. The great heritage received from a generous parent government has been sacredly preserved and consecrated to the noblest aspirations of a free people, education and charity. We of a younger generation are enjoying manifold blessings and opportunities. Free popular education is the unerring equalizer of human conditions, and this has been guaranteed to all coming generations. The wealth of these great funds must be guarded by legislators and state officials, with never-ending vigilance. The old landmarks were firm, safe, and sensible, and they should be stoutly supported. In due time a magnificent, perpetual institution for good, the great school fund will be completed. It will brighten the lives of all our future citizens, and will stand as an enduring monument to the public and private virtues of the founders of the Commonwealth of Minnesota.

## EARLY DAKOTA TRAILS AND SETTLEMENTS AT CENTERVILLE, MINN.\*

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BY ALBERT M. GOODRICH.

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In the southeastern corner of Anoka county in this state is the township of Centerville. In this township is a cluster of five or six small lakes, the outlet of which is Rice creek, which flows thence southwesterly into the Mississippi river, just north of the city limits of Minneapolis. From these lakes the city of St. Paul receives in part its water supply at the present time. In some places these lakes are very close together, only a few yards of solid ground intervening. Some six miles farther north is another lake about a mile in diameter, called Howard lake, which is also drained by Rice creek. Not many years ago these lakes were frequented by thousands of wild ducks and geese, and I believe that to a very large extent this is still true. Howard lake and several of the Centerville lakes are very shallow, and wild rice grows in them to such an extent that in the late summer the water is entirely obscured and they look like green meadows. The waterfowl feed upon the rice, and late in the fall, when the stalks have bent over and fallen beneath the surface of the water, they dive after the rice, refusing to leave this feeding ground until the last open space has frozen across. In the spring they are back again as soon as there is a crack in the ice big enough to hold them, much thinner in body, and ravenous for another taste of their favorite food.

A short distance westward from the Centerville lakes is a tract of marsh land, which stretches northeasterly almost to the northern boundary of Anoka county. Much of this marsh land has now been drained, but it originally covered probably seventy or eighty square miles, and early settlers tell of a time when they could go the entire distance from Centerville to Linwood in boats. Much of the country surrounding Centerville

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\*Read at the monthly meeting of the Executive Council, April 12, 1909.

is well wooded, and wild game abounded in the vicinity long after it had disappeared from other parts of the state. For illustration, about 1856 a hunter who had gone into this region drove into St. Paul with a four-ox team and a load of forty buck deer.

It is not to be supposed that the Indians had overlooked this ideal location for one of their settlements; and I believe it can be shown that, except for a few years when the war between the Dakotas and the Ojibways was at its height, there has been no time during the past two hundred and fifty years when there has not been an Indian village or a cluster of Indian villages in the vicinity of these lakes. Indeed, a large proportion of the present inhabitants of Centerville township have an admixture of Indian blood; and to this day the language of the Canadian French traders and bushrangers, who intermarried with the Ojibways, is quite as familiar there as English.

I shall call as my first witness Nicholas Perrot. Perrot was credited with a better understanding of the mode of life and habits of thought of the western Indians than any other man of his time. He was not exactly an explorer. He was content to be years behind other white men in his first sight of the Mississippi river, but he made himself familiar with the geography and history of the region by questioning the best informed among the Indians. I quote from Perrot's Memoir as translated for the Collections of the State Historical Society of Wisconsin, Volume XVI, pages 16-19:

The Outaouas finally decided to select the island called Pelée [Prairie island] as the place of their settlement, and they spent several years there in peace, often receiving visits from the Scioux. But on one occasion it happened that a hunting-party of Hurons encountered and slew some Scioux. The Scioux, missing their people, did not know what had become of them; but after a few days they found their corpses, from which the heads had been severed. Hastily returning to their village, to carry this sad news, they met on the way some Hurons, whom they made prisoners; but when they reached home the chiefs liberated the captives and sent them back to their own people. The Hurons, so rash as to imagine that the Scioux were incapable of resisting them without iron weapons and firearms, conspired with the Outaouas to undertake a war against them, purposing to drive them



from their own country in order that they themselves might thus secure a greater territory in which to seek their living. The Outaouas and Hurons accordingly united their forces and marched against the Scioux. They believed that as soon as they appeared the latter would flee, but they were greatly deceived; for the Scioux sustained their attack, and even repulsed them, and, if they had not retreated, they would have been utterly routed by the great number of men who came from other villages to the aid of their allies. The Outaouas were pursued even to their settlement, where they were obliged to erect a wretched fort; this, however, was sufficient to compel the Scioux to retire, as they did not dare to attack it.

The continual incursions made by the Scioux forced the Outaouas to flee. They had become acquainted with a river, which is called Black; they entered its waters and, ascending to its source, the Hurons found there a place suitable for fortifying themselves and establishing their village. The Outaouas pushed farther on, and proceeded as far as Lake Superior, where they fixed their abode at Chagouamikon [Chequamegon]. The Scioux, seeing that their enemies had departed, remained quietly, without pursuing them farther; but the Hurons were not willing to keep the peace, and sent out several hostile bands against the Scioux. These expeditions had very little success; and, moreover, drew upon them frequent raids from the Scioux, which compelled them to abandon their fort, with great loss of their men, and go to join the Outaouas at Chagouamikon. As soon as they arrived there, they planned to form a war-party of a hundred men, to march against the Scioux and avenge themselves. It is to be observed that the country where they roam is nothing but lakes and marshes, full of wild rice; these are separated from one another by narrow tongues of land, which extend from one lake to another not more than thirty or forty paces, and sometimes no more than five or six. These lakes and marshes form a tract more than fifty leagues square, and are traversed by no river save that of Louisiana [the Mississippi]; its course lies through the midst of them, and part of their waters discharge into it. Other waters fall into the Ste. Croix River, which is situated north-east of them, at no great distance. Still other marshes and lakes are situated to the west of the St. Peter River, into which their waters flow. Consequently, the Scioux are inaccessible in so swampy a country, and cannot be destroyed by enemies who have not canoes, as they have, with which to pursue them. Moreover, in those quarters only five or six families live together as one body, forming a small village; and all the others are removed from one another at certain distances, in order that they may be able to lend a helping hand at the first alarm. If any one of these little villages be attacked, the enemy can inflict very little damage upon it, for all its neighbors promptly assemble, and give prompt aid wherever it is needed. Their method of navigation in lakes of this kind is, to push through the wild rice with their



canoes, and, carrying these from lake to lake, compel the fleeing enemy to turn about, and thus bewilder him; they, meanwhile, pass from one lake to another until they thread those mazes and reach the firm ground.

The hundred Hurons became involved among these swamps and without canoes; they were discovered by some Scioux, who hastened to spread the alarm everywhere. That was a populous nation, scattered along the circumference of the marshes, in which they gathered abundance of wild rice; this grain is the food of those people, and tastes better than does rice. More than 3,000 Scioux came together from every side, and besieged the Hurons. The loud noise, the clamor, and the yells with which the air resounded showed them that they were surrounded on all sides, and that their only resource was to make head against the Scioux (who were eagerly striving to discover their location), unless they could find some place by which they could retreat. In this straitened condition, they concluded that they could not do better than to hide among the wild rice, where the water and mud reached almost to their chins. Accordingly, they dispersed in various directions, taking great pains to avoid noise in their progress. The Scioux, who were sharply searching for them, and desired only to meet them in battle, found very few of them, and were fully persuaded that the Hurons were hidden in the wild rice; but they were greatly astonished at seeing only the trail made in entering the lake, and no trace of the Hurons' departure. They bethought them of this device: they stretched across the narrow strips of land between the lakes the nets used in capturing beavers; and to these they attached small bells, which they had obtained from the Outaouas and their allies in the visits which they had made to those tribes, as above related. They divided their forces into numerous detachments, in order to guard all the passages, and watched by day and night, supposing that the Hurons would take the first opportunity to escape from the danger which threatened them. This scheme indeed succeeded; for the Hurons slipped out under cover of the darkness, creeping on all fours, not suspecting this sort of ambush; they struck their heads against the nets, which they could not escape, and thus set the bells to ringing. The Scioux, lying in ambush, made prisoners of them as soon as they stepped on land. Thus from all that band but one man escaped; he was called in his own language *Le Froid* ["he who is cold"]. This same man died not a long time ago.

In regard to the location of these Dakota settlements among the rice lakes, Perrot says that the St. Croix river "is situated northeast of them, at no great distance." If he means this to apply to the Mille Lacs region, it is simply not true. But it is true of the little cluster of rice lakes at Centerville. Moreover, Rice creek, which runs through these Centerville lakes,

may be traced by traveling in a northeasterly direction to a point a mile or two beyond Howard lake, until one comes to its source in a small lake within half a mile of Forest lake in the northern part of Washington county. The outlet of Forest lake is the South branch of Sunrise river, which runs northeasterly throughout its course and joins the St. Croix river, agreeably to Perrot's statement that from these lakes and marshes "other waters fall into the St. Croix river." I am inclined to think that in this portion of his statement Perrot is not describing the general location of the Dakota settlements, which he says "form a tract more than fifty leagues square," but the particular place where this battle occurred.

Again, he describes the character of the country as consisting of "lakes and marshes, full of wild rice; these are separated from one another by narrow tongues of land, which extend from one lake to another not more than thirty or forty paces, and sometimes no more than five or six." This would certainly not be true of the entire Dakota country. But it is eminently true of the Centerville lakes, as any duck hunter who has stood on the narrow runways between these lakes will testify.

It seems probable that Perrot was writing from descriptions given him by Indians who took part in the battle, and not from personal observation. This battle appears to have taken place in the autumn of 1661, and Perrot did not visit the Dakota country until about 1683, more than twenty years later, although he was living among the Wisconsin Indians before 1671.

The ingenuity of the Dakotas in setting their trap for the Hurons will occasion less surprise when it is remembered that this identical device was practised by Radisson to guard the entrance to his fort at Chequamegon bay two years previous,\* and that these little bells were among the tools and trinkets which Groseilliers and Radisson sold to the Dakotas at the time of the grand council at Knife lake. The Hurons undoubtedly became familiar with the Dakota settlements at Centerville during the time of their residence on Prairie island. The war upon the Dakotas was evidently the result of their knowledge of the easy indolence with which the Dakotas lived in this land

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\*Minnesota Historical Society Collections, vol. X, Part II, p. 485.

of plenty, while they themselves and their Ottawa allies were enduring the horrors of the famine of 1659-60;† and they believed that the Dakotas with nothing but stone weapons to bring to the defense, could never stand against a determined attack with powder and ball.

My second witness is Father Hennepin. It seems tolerably certain that there were Dakota villages at Centerville in Hennepin's time. His statement of the matter is not clear, but his language seems to imply that on his overland trip, after arriving at the first Dakota villages (presumably those at Centerville), he traveled five days in order to reach Mille Laes. After telling of the arrival in the vicinity of the site of St. Paul of himself and his two companions, with the Dakotas who had captured them, Hennepin says (*A New Discovery*, original English edition, page 163; edition edited by R. G. Thwaites, page 247):

Here the Barbarians order'd us to land in a Creek of the River Meschasipi; after which, they held an Assembly, to consult what they were to do with us. In short, they separated, and gave us to three of their Chiefs, instead of their Sons which had been kill'd in the War: Then they seiz'd our Canou, and took away all our Equipage. The Canou they pull'd to pieces, for fear it might assist us to return to their Enemies: Their own they hid amongst the Alders, to use again when they should have occasion to hunt that way. So that tho' we might have gone conveniently enough quite up into their Country by Water, yet were we oblig'd, by their Conduct, to travel no less than sixty Leagues a-foot.

It is difficult to explain this conduct of the Indians except on the theory that many of them lived at Centerville, which could not be reached by way of Rum river.

My third witness is Jonathan Carver, who visited what is now Minnesota in 1766-67. In the book entitled *Kathio*, by the late Hon. J. V. Brower, attention is called, on page 92, to the fact that Carver's map shows Dakota villages near Centerville and Howard lake.

My fourth witness is the ill-fated James W. Lynd, who was the first to fall in the Sioux massacre of 1862. Fortunately the manuscript for the book on the Dakotas which he had in preparation was found after his death, although in a mutilated con-

†*Ibid.*, pp. 487-492.

dition, and is now in the possession of the Minnesota Historical Society. A portion of this manuscript was published in Volume II of this Society's Historical Collections. My quotation is from an unpublished portion of this manuscript (page 18). Lynd says:

They [the Mdewakantonwan tribe] were at one period split up into two bodies, one called Ma-tantonwan, and the other Wakpa-atonwedan. The signification of the former is unknown; the latter means Those-Who-Dwell-on-the-Creek, because they had their village on Rice creek, a stream which empties into the Mississippi seven miles above the falls of St. Anthony.

Both these names given by Lynd may be recognized in the list of the bands of the "Sioux of the East," given in Le Sueur's journal. "Mantantons," Le Sueur says, means "Village of the Great Lake which empties into a small one;" and "Ouadebatons" he translates as "the River Village," showing apparently that in the year 1700 there was a village on Rice creek.

The Dakotas appear to have abandoned their settlement at Centerville about the end of the eighteenth century. The Mdewakantonwans had been driven from Mille Laes about the middle of the century by the invading Ojibways, and now found it necessary to make a further retreat. Their settlements at Kaposia, on the Mississippi just below St. Paul, and at Lake Calhoun, now became their outposts on the side exposed to Ojibway attack. But they still made annual visits to Centerville for the purpose of gathering the wild rice. Lieutenant Z. M. Pike wrote in his journal under date of Sept. 21, 1805 (edition edited by Elliott Coues, Vol. I, pages 74-76):

Embarked at a seasonable hour; breakfasted at the Sioux village on the east side [Kaposia]. It consists of eleven lodges, and is situated at the head of an island just below a ledge of rocks. The village was evacuated at this time, all the Indians having gone out to the lands to gather fols avoin [wild rice].

Centerville appears to have been without permanent inhabitants from this time until white people had made settlements at St. Paul and in the St. Croix valley, soon after which a few mixed bloods and Ojibways took up their abode there and furnished the nucleus for the present village.



From my History of Anoka County, 320 pages, published in 1905, the following notes are added, relating to the first white settlements in this township.

The lakes of Centerville had long been a paradise for hunters and trappers, but no permanent dwelling was erected until the arrival of F. W. Traves in 1850. In the spring of 1852, Francis Lamotte came, and in the fall Charles Peltier, Peter Cardinal, and F. X. Lavallee. These four settled in section 23. Joseph Houle lived there during the same year, but did not make a claim until some years later. During the winter Oliver Dupre arrived, and the next year came Paul and Oliver Peltier.

In 1854 Charles Peltier built a sawmill, and in company with F. X. Lavallee and Francis Lamotte platted the village of Centerville. The settlers in the village and vicinity were mostly French, and this came to be known as the French settlement.

Meanwhile German settlers had been making claims near the home of Mr. Traves in the western part of the town, among them Henry Wenzel, who came in 1855, and this place was known as the German settlement.

The town of Centerville was organized August 11, 1857.

The first religious service was at the residence of Francis Lamotte, where mass was said by Father Kaller in 1854, who continued to visit the place occasionally for several years. He was succeeded by Father Robert, and in 1861 by Rev. Joseph Goiffon. The Church of St. Genevieve of Paris was erected in 1859.







*A. W. Daniels*

MINNESOTA HISTORICAL SOCIETY.  
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## REMINISCENCES OF THE LITTLE CROW UPRISING.\*

BY DR. ASA W. DANIELS.

Considering the two thousand lives involved, largely women and children, the successful defense of New Ulm was the most momentous event of the Indian war of 1862-3. From that defeat the Indians turned westward and abandoned further combined raids upon the settlements. The active part taken by the citizens of St. Peter will ever be an impressive chapter in the eventful history of that city. Her immediate and generous response with volunteers, and their long and hurried march, enabled them to join in defending New Ulm in the afternoon, and later to participate in the uncertain issue of battle that held the besieged in its grasp for a whole day. The command of General Sibley would have reached the city too late to save it from savage fury, and had not the response been immediate from St. Peter, Le Sueur, and Mankato, its fate must have been too horrible to contemplate.

Some of the events of that battle have never been fully stated in the official reports, and others not mentioned came under the observation of the writer. Therefore it will be of interest to learn, from one who had superior opportunities, the particulars of the battle as seen by him.

The news of the Indian outbreak reached St. Peter during the night of Monday, the 18th of August, 1862, it having commenced at the Lower Sioux Agency at seven o'clock that morning. Major Galbraith, who had reached St. Peter in the evening before, on his way to Fort Snelling with a company of recruits, learning of the situation, at daylight started on his return to Fort Ridgely, which he reached in time to participate in its defense.

At four o'clock in the morning of Tuesday the writer was notified of the outbreak and was asked by Captain Dodd to go

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\*Read at the monthly meeting of the Executive Council, November 14, 1910.

to the Rounseville and Briggs neighborhood, six miles to the northwest, and notify the settlers, and he informed me at the time that messengers had already been dispatched in other directions. I was soon on the way, going from house to house, spreading the alarm, and sending others to more distant locations. On my return the refugees were already pouring in, and by noon the village became crowded with men, women, and children. Some had been attacked on the way, and bore their wounded with them. All were in most pitiable condition, having in their fright and haste taken little clothing and no provisions, reaching their destination completely destitute. Every house was sympathetically thrown open to the refugees, and was soon filled from cellar to garret. The vacant Ewing House, a hotel of fifty rooms or more, and an uncompleted store building, were soon filled, and being of stone afforded safety and comparative comfort; but many were compelled to resort to sheds and barns, or to remain unsheltered for some nights, until better provided.

A little more than a year before the outbreak I had located in St. Peter, having left the Government service at the Lower Agency as physician and surgeon to the Sioux Indians, after a service of more than seven years. I had visited them a month before and heard from them many complaints, principally against their physician, Dr. Humphrey. My long service among them had been satisfactory to myself and the Indians, and I had made many warm friends in every band, among them being Little Crow, and I may say most of the other chiefs. Therefore, when the news of the outbreak came, I was in great doubt in regard to its being general, but thought it confined to a single band, and that the outrages had occurred when they were under the influence of whiskey sold them by the whites. But within twenty-four hours my confidence in my old friends was rudely shattered, and I came to realize, on seeing the dead and wounded, that the outbreak was general and of the most barbarous character.

As a government officer, I had observed for more than two years the close intimacy that was growing up between the Sioux and Winnebagoes. This was apparent from frequent

visits of large parties of Winnebagoes to the Agency, inter-marriages that took place, uniting in games, and tribal pledges of friendship. No doubt some of the Winnebagoes participated in the battles that took place, but were too discreet to have it known. Had success attended the Sioux at Fort Ridgely and New Ulm, there is little doubt there would have been a union of the tribes against the whites.

My brother, Dr. J. W. Daniels, had served for five years as physician to the Upper Sioux, at Yellow Medicine, thirty miles west of the Lower Sioux Agency, and resigned at the same time that I did, both of us expecting appointments in some of the regiments going south. A few months later he was commissioned as assistant surgeon in the Sixth Minnesota Regiment, and soon afterward he was promoted to be surgeon in the First Cavalry. I received an appointment, but from domestic conditions was compelled to resign.

At St. Peter, to which we return after this slight digression, Captain Dodd and Major Flandrau had enlisted about one hundred and forty men to march at once to the defense of New Ulm. Many of these volunteers fled from their country homes in the morning, hurriedly disposed of their families, and bravely responded to the call for a thirty miles march before the close of their eventful day.

I joined them as the surgeon of the command, and we were on our way about midday. The men were armed with double-barrelled shot guns, a few rifles, and some other arms of uncertain efficiency. Some were on horseback, and a few in buggies; having to carry my surgical and medical cases, I availed myself of the latter conveyance. On reaching Courtland, twenty miles, a heavy shower drenched the command, but the march was continued, all being enthusiastic to reach New Ulm, where, refugees informed me, there was a battle going forward and much of the town burned. We reached Redstone, two miles from the village, just as it was getting dark, and from that distance it did look as if the whole town was on fire; but, crossing the ferry, we pushed on and reached the vicinity of the Dacotah House about ten o'clock at night.

As we were leaving St. Peter we were joined by a command under Captain Tousley, of Le Sueur, of nearly one hundred



men, who continued with us on the march to New Ulm. With them as surgeons were Dr. Otis Ayers and Dr. William W. Mayo, father of the two distinguished surgeons at Rochester. It was midnight before we found quarters for the night, and then I shared my bed with Dr. Ayers, passing a comfortable night after a long and strenuous day.

Early on the morning of Wednesday we were looking over the situation as left from the engagement the afternoon before. On a vacant lot near the center of the town lay six dead, brought in from the scene of the engagement, and others had been cared for by their families. The physicians then visited the wounded and cared for them, and for some of the refugees who were ill from fright and anxiety.

During the forenoon of Wednesday, Captain Bierbauer came in with nearly a hundred men from Mankato, and a few men came from Nicollet, under the command of Captain Samuel Coffin. An organization was formed on that day by the military, who selected Major Flandrau as commander, Captain Dodd as lieutenant, and S. A. Buell as provost marshal. Pickets were established on the outskirts of the town, and guard duty for the night. During the day quarters and the commissary departments were established for the different commands.

A company of sixteen mounted men from St. Peter, among whom were Henry A. Swift and Horace Austin, afterward governors of the state, had started to the front some hours before the command under Flandrau was ready to leave, and had reached New Ulm in time to participate in the battle of Tuesday afternoon.

Thursday morning, after guard mount and after a company had been selected to dig rifle-pits, a company of a hundred men, under the command of Captain Dodd, was ordered to go to the Little Cottonwood settlement, six miles south, to bury the dead and rescue any that might be hiding or wounded. Dr. Ayers and myself were detailed to accompany the command. The doctor invited me to have a seat with him on his buck-board, which I thankfully accepted. The command had hardly made half the distance to the settlement before they were fired upon from ambush, but none were wounded, and,

after returning a volley, we continued our march. Three mounted Indians soon showed themselves, but at a safe distance, observing our course, and in derision waving their blankets, keeping in sight most of the time during the march.

On reaching the settlement, the saddest scene presented itself that humanity is ever called to witness. The massacre had probably taken place on the Monday before, and the dead were lying in all directions about the farm houses,—in bed, in different rooms of the house, in the yard, near the grain stacks, and on the lawn. During the three days that the remains had been exposed the flies had done their work, and as a result the faces of the dead presented a revolting spectacle. Trenches were dug, and the bodies were gathered together and laid within, blankets were spread over them, and a prayer was offered; then earth to earth, ashes to ashes; and the command turned sadly away, having witnessed a burial scene that could never be forgotten. On our return we reached New Ulm late in the afternoon.

By the military the day had been passed in strengthening the defenses of the town, providing themselves with ammunition, and fixing upon positions of advantage in case of an attack.

News came in during the day, of fighting at Fort Ridgely, and of Captain Marsh's defeat at the Agency, and many other alarming accounts from refugees.

The principal event of Friday was the detailing of one hundred and forty men, under the command of Captain Toussley, to go to Leavenworth, west and south of Fort Ridgely, expecting to find persons there unable to escape and that might be rescued, but nothing definite was known in regard to the situation there. Drs. Ayers, Mayo, and myself joined the command,—I again having a seat with Dr. Ayers. The route was across an open prairie, and we had not proceeded far before we discovered three mounted Indian scouts to the north keeping in line with us and watching our course. Late in the afternoon we reached the vicinity south of Fort Ridgely and for the first time heard cannonading going on there, the sounds reaching us at short and regular intervals. After its signifi-

cance had fully impressed me, I said to Dr. Ayers that the Indians had attacked the fort in great force, and that, as scouts had been watching our course, in case we continued our march to Leavenworth they certainly would withdraw from the fort during the afternoon or in the morning and cut us off. We had expected to remain at Leavenworth during the night, returning the next day. Dr. Ayers agreed with me fully, and rode forward and consulted with Captain Tousley, who called a halt and gave his reasons for doing so, asking of the command to express their wishes by a showing of their hands. It was carried by those in favor of going forward by two or three votes.

We continued our march for another hour, the warning notes of the cannon coming to us regularly; the sun was nearly setting, night coming on, and fatigue was telling upon the command, when a second halt was called and another vote taken, which resulted in an order to return to New Ulm. We reached our return destination after midnight, thoroughly worn out and disgusted from this long and useless march, which might have resulted not only in the destruction of the command, but perhaps in the capture of New Ulm.

The morning of Saturday was warm and fair, and at first we hopefully looked forward to an uneventful day. Much time had been taken in preparing for an attack, by burning outer buildings, digging rifle-pits, and loop-holing such walls as might be made serviceable. On that morning Colonel Flandrau gave me a dozen men and I barricaded the avenue a little west of the Gross hotel.

From the roof of the Erd building, a central business block, with a glass an extensive view was had of the surrounding country, and at this point of observation a watchman was on duty during the day.

The first surprise and alarm of the morning came when at guard mount, west of the town, Lieutenant Edwards was instantly killed by an Indian so concealed in the grass that danger was unsuspected.

About eight o'clock a. m. the watchman from the roof saw Indians collecting some two miles west of the town, and signal

smokes from the northwest. His observations were confirmed by officers and others.

The certainty of a deadly conflict with a barbarous foe, when no quarter is expected, is a most trying test of courage, but, with few exceptions, the situation was heroically accepted. The women and children were hurried to places of safety, the command was got under arms, and the physicians selected rooms for receiving the wounded, Drs. Mayo and McMahon in the Dacotah House, and Dr. Ayers and myself in a store room on the opposite side of the avenue.

Within one hour the large body of Indians who had been forming on the west, were seen to be moving rapidly upon the town. The signals indicated a like approach from the north. When aware of their approach, Colonel Flandrau posted his men upon the slope of one of the terraces on the west, with a line of skirmishers in front. Little Crow was mounted and led his warriors, who were on foot. In a long line with flanks curved forward, they approached in silence within a quarter of a mile of the defenders, when they gave a terrific war-cry and rushed forward upon a run, holding their fire until they had received that of our men, and then delivering an effective volley at close range. The defenders fell back in a panic and the whole line retreated to the barricades. The assault was well executed, and had it been pushed to its limit might have resulted in the capture of the town. But our men soon rallied behind the barricades and buildings, which arrested the onward rush of the Indians and compelled them to seek protection of the outer buildings.

Lieutenant Huey, with seventy-five men, was ordered to the ferry to prevent the Indians from crossing from the north side. Either from a misunderstanding or over-confidence, he crossed his command to the north side of the river, there meeting a large body of the enemy, retreated to Nicollet, and was not seen again until the following day. This unfortunate event was a serious loss to the defense.

The firing from both sides became rapid, sharp and general, the Indians gradually pushing their way in surrounding



the town, which they accomplished before midday. They fought with the utmost boldness and ferocity, and with the utmost skill and caution from every hollow and grass patch, and from behind every house and hillock or log.

The crisis came at two p. m., when the Indians fired buildings on both sides of the avenue in the lower part of the town. A strong wind was blowing from the east, and the conflagration threatened the destruction of our only defense. Colonel Flandrau rallied a sufficient force, and charging down the street, drove the enemy from the avenue. But just at this critical time the wind changed to the opposite direction, and clouds, which had been gathering for hours, shed upon our threatened locality a sufficient shower of rain to prevent the further extending of the flames.

The unfortunate incident in the day's battle that led to the death of Captain Dodd has never been correctly reported. In justice to the brave men that participated in that critical movement, a correct understanding should be had of the reasons that, at the time, seemed to make the undertaking imperative.

It will be remembered that Lieutenant Huey had retreated toward Nicollet in the morning, and all through the day we looked for his return with reinforcements, which really took place the following day.

About five p. m. there appeared beyond the Indian outer line, at the east, some forty or fifty men, marching in single file, under the command of an officer, carrying an American flag. They were dressed in citizens' clothing, and had all the appearance of the reinforcement so anxiously expected.

The Indians had again gained possession of buildings on the avenue east, perhaps five blocks from the Dacotah House, and from that position were delivering a galling fire upon our line.

Immediately, on discovering what all thought to be our reinforcements, Captain Dodd, in a short, impassioned speech, volunteered to lead any that would follow, to the clearing of the avenue of Indians and joining our reinforcements beyond. Rev. Father Sunrison and Dr. Mayo both made brief speeches, urging all to unite in support of Dodd. Some twenty men fell



into line, Dodd and Shoemaker being mounted, and proceeded down the avenue. It was a movement of only a few minutes consideration, and seemed to promise an important result. Captain Dodd leading, the small volunteer force rushed forward with a cheer, hardly coming within the Indian lines before receiving a deadly volley, which hurriedly sent them back to positions of safety. Captain Dodd wheeled his horse and reached a log blacksmith's shop, when the horse plunged forward and fell. Partially supporting himself, with others assisting, the fatally wounded leader was taken into the building. A temporary cot was provided, where he was made as comfortable as possible. The building was loop-holed and a half dozen were firing from it, as it was one of the important positions on our outer line. Dodd had received three mortal wounds, two other slight wounds, and the horses ridden by Dodd and Shoemaker were both killed. The writer had witnessed from our hospital the whole movement, saw Dodd fall, and hurried to his assistance. There was little that could be done, as he was in a dying condition, surviving only about one hour. He appreciated his condition, and met it courageously, giving me messages to his wife and to Bishop Whipple, with the utmost coolness and consideration. Thus passed a courageous and heroic spirit, a man of large mental endowments, and one whose life had been full of stirring incidents.

William B. Dodd deserves more than passing notice, as he was one of the most energetic, fearless and reliant, among the early pioneers of southern Minnesota. He contributed largely to the settlement and development of that part of the state. "Lest we forget," it may be well to remind the present generation of some of the services he rendered the state and his home town.

He was largely instrumental in securing from the government the appropriation for the building of the Dodd road, from St. Peter to Mendota. He superintended its laying out and construction. He located the townsite of St. Peter, and from the first had the most supreme confidence in its future. He lived to see his wilderness claim develop into a thriving city, and he would have succeeded in making it the capital

city of the state had not his enemies resorted to the most infamous methods. He led two volunteer companies against the Indians, the first in pursuit of Inkpaduta after the Spirit Lake massacre. During the years of 1853-4 he was at times acting United States marshal. He volunteered for service in the south during the civil war, but was rejected on account of impaired sight. He was one of the delegates to Washington that succeeded in making his city a chartered point on the Winona and St. Peter railroad. He was a ready and impressive speaker, and had held several positions of trust from the state.

The party we had supposed to be reinforcements, upon the volley from the Indians and our men falling back, suddenly disappeared, and it proved to be a stratagem to draw out some of our men and cut them off. Had the Indians in the buildings held their fire until they had advanced a half block farther, it would have been successful.

In explanation of how the Indians became possessed of so many suits of citizens' clothing, it may be said that twenty-two months before one hundred and fifty suits were issued to them by the government, under the pledge of becoming farmers, much of this clothing having never been worn more than a few days.

The assault, commencing in the morning at 9:30, was kept up without interruption until dark, when the Indians withdrew in the direction of Fort Ridgely. During the evening all buildings outside of our barricades were burned. By ourselves and the Indians one hundred and ninety buildings were destroyed. We lost ten killed and fifty wounded, the small loss being accounted for by the fact that we were fighting from loop-holed buildings and barricades. The Indian loss has never been known. Both hospitals received and dressed the wounded, providing temporary cots for them. Some that were only slightly wounded returned and continued in the fight during the day.

Saturday night was anxious and disturbed with desultory firing by our guards, and perhaps by the Indians. Sunday morning it seemed from heavy firing that the assault was to be renewed, but it gradually lessened and by noon it ceased

entirely. About noon Captain E. St. Julien Cox arrived with about fifty men, accompanied by Lieutenant Huey with part of his detachment, who had been cut off the day before.

During Sunday afternoon search was made for the recovery of the dead. Three or four were found that had fallen so far out as to be exposed to any indignity that the Indians might offer, but none were scalped or otherwise mutilated. Jerry Quane, a St. Peter volunteer, had the totem of Little Crow attached to the clothing over his breast. The totem was the skin of a crow, preserved in its natural form, symbolic of his family name. The parting with such a treasured emblem was to boastfully inform us from whom the brave defender had met his death.

Early on Monday morning the order was issued for the evacuation of the village. Colonel Flandrau must have been wholly responsible for this move, as I am sure the medical officers were not consulted and were entirely ignorant of it until a short time before the movement commenced. We had received reinforcements the day before, our position was stronger than ever, the sanitary condition did not necessitate great urgency in moving, and the volunteers would have loyally remained. General Sibley was at St. Peter, and would have arrived within a very few days, therefore it was a mistake to retreat from New Ulm until relieved by him. The route was a part of the way through a forest, and had a few Indians attacked, a panic and massacre would have followed. It is an ungracious and unwelcome task to criticise the colonel, but a truthful statement seems to demand that it should be done, in this respect at least. Nearly two thousand men, women, and children, took up the march for Mankato, thirty miles distant, bearing the wounded in conveyances. Fortunately the long march was uneventful and we reached our destination late in the evening, where we received a generous reception.

On Tuesday the volunteers from St. Peter reached home and disbanded. The writer brought with him Rev. Mr. Saunders, severely wounded, who had volunteered with the Le Sueur company.

Some of the wounded were left at Mankato, but most of them came to St. Peter, and their care became most urgent. My brother, assistant surgeon with Gen. Sibley's command, assisting, we established a hospital in the court room of the court house. The room was large, well ventilated, and afforded space for twenty beds, sufficient for the most serious cases. The care of the hospital devolved upon me, as my brother left with his command two or three days later.

Of the cases that came under my care, the most serious were as follows: Mr. Summers, of Nicollet, shot through the spinal column, died. Rufus Huggins was shot through the knee joint, and, refusing amputation, died. A New Ulm volunteer, having a shot through the mouth, severing the tongue, recovered. A Sibley county volunteer, with a compound comminuted fracture of the arm bone near the shoulder joint, had amputation and recovery. Rev. Mr. Saunders, with an abdominal wound, recovered. Mr. Bean, a St. Peter volunteer, with a shot through the face, fracturing his lower jaw, recovered. A St. Paul volunteer, with a penetrating gunshot wound of the brain, lived two or three years and died insane at St. Peter.

From the time the news of the outbreak was received, the citizens of St. Peter were active in providing for the refugees and the protection of the city. They organized committees for the various duties, as care of the sick, supplying food and clothing, and fortifying. Night and day guard duty was kept up, earth-works were thrown up, rifle pits dug, and barricades erected.

In the early fall the hospital was removed from the court house to the Ewing House, a hotel building that had been vacant for some time until occupied temporarily by the refugees. In January, 1863, I was succeeded in charge by Dr. Charles W. Le Boutillier, who was assistant surgeon of the First Regiment, and was captured at the first battle of Bull Run and paroled on condition of not again serving against the South. He died suddenly while occupying this position April 3, 1863.

During the fall and winter of 1862-3, St. Peter was garrisoned by two companies of the Sixth Regiment, and Kasota by



a cavalry company. This period was marked by the unusual amount of sickness. A few cases of smallpox occurred, first at Kasota, and afterward in the hospital; and cases of typhoid fever, diphtheria, measles, and scarlet fever, were frequent. Much of the disease was the result of the overcrowded condition of the city and the lack of sanitary conditions.

Through the next winter, of 1863-4, St. Peter was the regimental headquarters of the Sixth Regiment, under command of Colonel Crooks. This added to the already crowded condition of the city and was a source of increased unsalutary conditions. The quarters were without proper conveniences for personal cleanliness, crowded, badly ventilated, and without sewerage. The water supply was from shallow wells and soon became polluted. The result was that typhoid fever, cerebro-spinal meningitis, measles, diphtheria, and smallpox, soon became epidemic, all taking on a most malignant type. Dr. Alfred Wharton, surgeon of the Sixth Regiment, had charge of the hospital, assisted by Dr. Potter. They faithfully and efficiently performed their duties under the very trying and adverse conditions that existed. Nine deaths occurred from smallpox, with a sad mortality from other diseases.

These diseases were not confined to the military by any means but involved the whole city, resulting in many families being stricken, the cloud of disease and death hanging like a pall over many households.

The loss of life in the Sioux massacre, according to an estimate by Agent Galbraith, which was made with deliberation and may be accepted as conservative, was 654.

The additional loss of life that was caused directly and indirectly by the outbreak, in the many settlements across the extensive frontier, has never been known, but must have been very large. From a somewhat careful observation, and from consultation with parties who had good means of judging, the writer is of the opinion that the loss from disease and battle, and that in the frontier settlements resulting from the outbreak, must have been as large as that suffered directly from the hands of the Indians in the massacre.



In closing this paper the writer, who was so long and intimately associated with the Indians as a government official, desires to say that he found this people possessed of many of the virtues common to the human family, and that socially and morally their lives were of a standard quite as high as among many of the civilized races. The outbreak was induced by long-continued violation of treaty obligations on the part of the government, inflicting upon these unfortunate wards untold want and suffering. Like violent acts of mobs among civilized communities, the massacre was a barbarous and unreasoning protest against injustice. Had the government faithfully carried out the treaty obligations and dealt with the Sioux justly and humanely, the outbreak would not have occurred.

## BOYHOOD REMEMBRANCES OF LIFE AMONG THE DAKOTAS AND THE MASSACRE IN 1862.\*

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BY JOHN AMES HUMPHREY.

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My father, Dr. Philander P. Humphrey, was born in Torrington, Connecticut, on the 26th day of February, 1823. My mother, Susan Angier Ames, was born July 8th, 1829, and was the only daughter of Horatio Ames, who carried on a large iron manufacturing business in Falls Village, Connecticut. She was a granddaughter of Oliver Ames of North Easton, Massachusetts, who founded the celebrated shovel manufacturing business located in that town for many years, and which is still carried on by the Ames family.

I was born in Falls Village, June 15th, 1850, and about two years later my parents brought me with them to Minnesota. They eventually settled at Kasota, near which then promising village my father pre-empted a good farm of 160 acres. In 1857 he was a member of the Council in the Minnesota Territorial Legislature. My brother, Jay Phelps, eight years younger than myself, was born in Kasota.

Subsequently my parents determined, inasmuch as the growth of Kasota had not fulfilled anticipations, to move to St. Peter, which then seemed certain soon to be made the state capital and to become a large city. A comfortable house was built therefore in St. Peter (only the ground floor was actually finished inside); and I well remember the day when it dawned upon my childish mind what a struggle my parents had made to clear the home from debt before they moved into it. Watches, chains, and about everything they possessed of merchantable value, had been sold to make payment for the house in full. At that period actual money was scarce and difficult to obtain, while land could scarcely be realized upon. How my parents managed in those days to secure food sufficient for healthful existence, is a problem which I have never been quite

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\*Read at the monthly meeting of the Executive Council, March 14, 1910.

able to solve. Certainly existence is the right word for expressing what we went through. Gertrude, the youngest child of my parents, a sweet baby very much like mother, was born in St. Peter.

My father was educated at Oberlin College, and became by profession a homoeopathic physician. Homoeopathy was not the fashion then, and for that reason the money returns from his practice were not what they should have been. As a mere boy, much too young to understand the reason why, I remember harboring almost murderous feelings toward Dr. Catlin, who practiced allopathy and appeared to be always on the go. He kept two horses; my father kept one. But for Dr. Catlin's son, about my own age and a schoolmate at the local district school, my affection was unbounded, and we were fast friends. It may be added, however, that it seemed that the harder a doctor worked the poorer he became, for people really had not money to pay even modest bills.

In 1860, through the split in the Democratic party and its putting two candidates in the field for president of the United States, the election by the Republicans of Abraham Lincoln for that office was accomplished. It followed that Democratic government officers were turned out of their comfortable berths (which they had by long years holding become accustomed to look upon as theirs by right), and Republicans were appointed in their places. My father by this time had acquired real estate of prospective value, but was without what may be termed working capital. He therefore applied for the position of government physician at the Lower Sioux Agency, twelve miles above Fort Ridgely, on the south bank of the Minnesota river. This he obtained in due course, and thereby became the recipient of the munificent salary of \$1,000 per annum, with a comfortable house to live in, besides some very small perquisites. For example, he was the postmaster, and in that way increased his income by a few dollars. He removed his family in 1861 from St. Peter to the Lower Sioux Agency. There we lived in comparative peace and comfort for a little more than a year.

Social life, one might say, there was none. My father, unfortunately for himself, was not a sportsman; he had no taste

for fishing, shooting, boating, cards, or horses; he even could not swim. He took an exceptional interest in politics, and held such pronounced abolitionist views regarding African slavery, when these views were decidedly unpopular even in the Republican party, that, although a member of the Congregational church, he ceased to affiliate with any religious organization, because they would not take action on this burning question. He was, however, a religious man to the point that by precept and example he condemned the sale of, and indulgence in, alcoholic liquor of all kinds, and also of tobacco. He defended earnestly Christian doctrine in argument with German and other infidels and agnostics of his time. His moral tone was elevated, and his example was helpful in the community.

He had a hasty temper, and I, his eldest son, suffered the most from it, especially during those months at the Lower Sioux Agency, probably owing to the fact that there was no suitable school for white children, so that I was obliged to study at home and recite lessons to my parents, etc. Parents often know more about bringing up children when their first-born arrives, than after they have tried to bring up a number. It is a dreadful thing to be the firstborn of the family. Perfection is expected from them.

My mother, by temperament, accomplishments, and the possession of exceptional personal beauty, was qualified to grace any position in society. Instead, however, of seeking by marriage the position in life which reasonable ambition would seem naturally to prompt, she chose for her husband the man she loved, poor in this world's goods, but rich in high principle and sound education. She entrusted to him her future happiness, and hoped to assist him to secure an independence for them both. Her father, rich at that time, practically disinherited her for doing so. She became a loyal self-sacrificing wife and mother, and spent her too short life solely for husband and children.

The atheist, the agnostic, or the nominal Christian, can give no reasonable explanation for the fate that befell this Christian woman, and indeed the entire family, excepting one; and it would be equally impossible for such persons to give any sufficient reason why the eldest boy escaped with his life.

My father read his books and newspapers; discussed politics, religion, and philosophy, that is, when anybody came along to argue with him; listened to my recitations; and prescribed for and gave medicine to the Indians, and visited them in illness when called upon. It was true, however, of the Indians that when they were seriously ill, that is, near death's door, they chose the incantations and doses of their own medicine men.

I went to some of their "medicine dances" (so called), where I suppose their most sacred rites were practiced; and it was a pitiful sight to see those dying from consumption and other ailments brought and placed in a certain location, set apart, supposed to be consecrated and thereby made efficacious. Unwittingly upon one occasion I stumbled into this enclosure, and I believe that only my youth saved me from instant death. I was very roughly handled, and the expressions on the faces of the Indians, together with the deathlike stillness that fell upon the scene, unmistakably told me that I was in great danger. I visited their villages fearlessly, picked up much of their language, was invariably treated kindly by them, and they called me the "little medicine man." I can pronounce the equivalent words in the Sioux language, but cannot write them properly.

My mother was fully occupied with household duties and care of the children. She even had to make my suits of clothes. A servant was quite out of the question in that wilderness, even if one could have been afforded. I had to be nurse for my little brother and sister, and am sorry to say that I sometimes rebelled. This was because after I had studied lessons and recited them, sawed and split all the firewood (no coal in those days), looked up the cows (there were no fences), milked them, taken care of the horses, carried all the water, built the fires, etc., I felt somehow entitled to a little play. But I seldom got it.

Sundays I often attended services at the Episcopal mission close by. Rev. Mr. Hinman, the clergyman in charge, conducted the service with the help of his housekeeper who made all the responses. Mr. Hinman was married, but his wife was an invalid and could give him little assistance. He was a protégé of Bishop Whipple, who took great interest in the enter-



prise and visited it. The many years of patient, self-sacrificing labors of other missionaries, like Dr. Riggs and Dr. Williamson and their families, were rewarded with better results. They gathered together a few genuine converts, who stood the test when the days of trial came. But these missionaries were overzealous in defense of the Indians subsequent to the awful massacre of 1862.

As a race, I maintain that the Sioux Indians are cruel, crafty, and treacherous, and utterly wanting in sense of gratitude for favors rendered to them. They would beg for and accept help from white people, and would sneak back later, not only to murder but to torture the generous donors and their helpless women and children. It is idle to attempt to prove that they were not responsible for their dreadful deeds. They were quite intelligent enough to discriminate between white men who had misused them and helpless women and children, who were physically and morally incapable of doing so. The simple fact that their defenders were willing to trust their own lives, and the lives of those dearest to them, in their power, is quite good enough proof for me that in their opinion the Sioux Indian was responsible for his acts. Granting that he had been badly treated by some palefaces, he knew that he was not justified in committing murder, and especially in outraging and torturing them as well.

If the red Indian is a human being capable of understanding the teaching of Christian missionaries, he must possess a soul and the power of choosing good or evil. There has been implanted in him belief in the existence of "the Great Spirit," desire to worship him, and sense of dependence upon and accountability to him. I quite believe that the Sioux Indians of the period we are writing about knew beyond question that killing human beings was looked upon by the Great Spirit as the equivalent of what the word murder expresses to white men.

I knew the notorious Little Crow. He had the face of a fanatic, the voice of a hypocrite (its quality was insincere), and the bearing of a leader, but he did not impress one as being the possessor of sound judgment. He was a dreamer and a schemer. He overestimated his own ability and misled his people. He had been given exceptional opportunities for acquir-

ing some adequate estimate of the relative strength of the Indians and the whites, but he utterly failed. He gave his people oratory, but could not give them wisdom. Neither was he any braver than the average of his race. He would not stand up to an open fight, even when the chances were tremendously in his favor. He ought to have easily captured Fort Ridgely, with its decimated garrison and filled with refugees; but his tactics of dodging behind trees and crawling in the grass, instead of walking right in with the loss of a few of his braves, withheld from him the prize and the prestige. I was there, and am quite able to form an opinion.

There was freedom, and even grandeur, about my boyhood life at the Sioux Agency. It was perfectly natural and healthful; body and mind were sound. The atmosphere of unselfish mother love surrounded me at home; and when I walked, or rode abroad astride a noble horse, nature soothed and satisfied me. The God of my boyhood was exacting and despotic, and fear of the consequences of sin was always in my mind. How much more delightful would have been this life, if his infinite love and care for me had been taught me as well! My condition would then have been ideal. To know that punishment is remedial and not vindictive, think you it would have made any difference? O, the comfort of existence in this world in the conscious presence of a personal God of love! Such relationship was intended for the child, and for him when grown up, too.

At length, after a bright, restful Sabbath, the fateful Monday, the 18th of August, 1862, arrived. My mother was ill in bed, but had nearly recovered. I slept with my dear little brother in an upper room. In the small hours of that morning I could not sleep soundly; like a nightmare, apprehension of impending disaster settled down. Shake it off I could not, until in desperation I dressed and went downstairs. Talking about premonition, I quite understand what the word means. Apparently nobody else in the house was awake. I took the water pails, and, quietly leaving the house, went a short distance to a spring, with the intention of making journeys enough back and forth to fill the tubs for the weekly washing. The weight of my foreboding was so heavy upon me that I walked slowly and

lingered when I got to the spring, expecting every instant to see or hear something horrible. Leaving the spring and reaching the top of the hill, I saw Indians in parties of three or four hurrying into our small village from the direction of the encampment of Little Crow and other chiefs. These took up convenient points for observation at first. Soon I saw a teamster approach a wagon, with his pair of horses. Then one party of Indians ran to him and demanded them. He refused the request, when one of them emptied the contents of his gun into his abdomen. His suffering was so dreadful to witness that another Indian soon quieted him with the butt end of a gun. This was the beginning of the outbreak at the Lower Sioux Agency.

I immediately ran, as fast as my bare feet would carry me, to our house. By this time father had dressed and was in the surgery, and I said to him, "Father, something awful is going to happen." He replied, "Nonsense," and kept on with his work. I then begged him to step outside the house and look for himself. He would not move. I then told him what I had seen; not before would he move and show any interest. After a good look outside, without saying a word he walked into the house hurriedly and assisted mother to get up and dress. I meantime looked after the children, and then we all walked out by the back door, leaving everything behind. We started toward the ferry, with intention of crossing and making our way to Fort Ridgely. But father had been too slow. Those precious minutes through his blind sense of security cost the lives of himself, wife, and two of their three children.

When we reached the ferry, it was to find the ferryman gone and the then typical western flat-bottomed boat, which was propelled across the stream by means of a rope and pulleys, on the opposite bank. All the small canoes and row-boats were there as well. Hopelessness was depicted in father's face, for he could not swim; and he had threatened me with punishment such as I had never experienced (which was saying a great deal), if he ever found that I had "been in swimming." Occasionally when my guilty eyes had noticed a searching glance of his shot at me, I had felt that I wilted; but congratulate me, my hair was dry, and punishment was postponed. I had learned

to swim. There had been nobody to "give me away," for I always sneaked off alone; and I did nearly drown once, but the fascination was upon me and I persisted. I now boldly plunged into the river, swam to the other side, secured a small boat and rowed back to them, and we all crossed in silence. Looking back, I somehow feel that, after this exhibition of my skill, all should have been allowed to escape. Had we been only those few minutes earlier, all our lives would have been saved, for a number of our neighbors who were ahead of us at the ferry escaped to Fort Ridgely by wagon conveyance.

We were too late and therefore now plodded on foot along the main road toward the fort. The sun's rays soon beat down upon us with such power that they began to affect my mother, while the small children were unable to walk rapidly. When we had covered probably two and a half miles, we stopped, for by that time mother had become actually faint. We had no breakfast, not even a cup of tea before starting. We then discovered a path and at the end of it, only a few yards distant, a cabin, which we reached to find it vacant, as its occupants had fled. Until then we had neither seen nor heard Indians, and prospects for escaping seemed to brighten. My father took down a pail, and directed me to follow a footpath till I should find the spring and to return with water. I secured water, down in a ravine which proved to be well wooded, as was also the pathway leading to the spring.

Returning a little more than half the distance, I heard the crack of a rifle and listening presently heard the sound of voices, both from the direction of the cabin. I knew we had been overtaken, and debated whether or not I should complete the return and try to help. Quickly I decided that my presence would be useless. Then I deposited the full pail a few yards from the path, ran back to the spring, and from it ran along the ravine. There I was hidden from sight, and could make plans in comparative safety. I must have been alone an hour or two, when I decided that the Indians would not have waited longer in the expectation that I would return to the family. Then I decided to carefully seek the open road toward Fort Ridgely and below the cabin. In doing so I met the owner of the cabin, Magner by name, who, accompanied by another



man, was sheltering as I had been. I joined them, and before long we ventured to the main road.

Looking down the road, we discovered men coming toward us, who proved to be Captain Marsh with about fifty soldiers, hastening to the Agency to quell the disturbance there, which had been reported early in the forenoon by the first refugees who had fled to the fort. Magner and his companion imparted to Captain Marsh what information they had, and we all joined the expedition.

This to me was a return journey, but I knew it was the safest way to get a look at that cabin and learn the fate of our family. To go there was the matter of only a few minutes. The little force halted when the footpath was reached, and, with Magner and a few soldiers detailed for the purpose, I approached the spot where the building had been. The murderers had set fire to it, and the smouldering ruins which had fallen into the cellar contained the mortal remains of my mother and brother and sister. That was the first suggestion, as we all stood there, and subsequent investigation (made a few days later) proved that it was correct. My father's body lay a few feet away. A bullet had pierced the center of his forehead, and the fiends had cut his throat. His axe, a poor weapon for such conditions but the only one he possessed, lay near him, showing that he went outside the cabin and met them like a brave man. How long I stood there, I do not know; the shock was so great that I became momentarily insensible to material surroundings and saw only in spirit the scene of death,—truly I was alone with my dead.

When I came to my normal self, every living person had vanished, and I ran fast up the road to overtake the soldiers. This had been their first introduction into the land of desolation, which was extending rapidly. Soon the road descended along the valley bluff which follows the north side of the Minnesota river. The sight of dead men, women, and children, now became frequent all the way to the ferry which we had crossed a few hours before. The effect was depressing, and the few words spoken were in undertone. Those poor souls fleeing for their lives had been shot down from the cover of underbrush and tall coarse grass which grow rankly in these western river valleys.



The ferry boat had been left temptingly on the north side of the river, and Indians were in plain sight on the opposite side, on the bluff which rises abruptly to the Agency. A parley took place, through interpreter Quinn, between Captain Marsh and the Indian leader. It is now apparent that the object of the Indians was to induce Captain Marsh to send his force across, and when the boat was in midstream to pick his men off from both banks. Probably not a man would have escaped, and, had the Indians who were hidden in the tall grass on the side where we were not been too impulsive, I believe that their plan would have succeeded. There was not a suspicion that we were surrounded by them until they rose suddenly and poured their fire across into us. More than half of our men fell, and it seems a miracle that a single man escaped. But the grass that had hidden them hid us, and those who lived were led by Providence out of the ambuscade to a point not far down the river. Captain Marsh was unhurt and escaped with a small party of survivors. During the firing I had sat in an army wagon on top of a barrel of provisions. When I saw the immediate effect of the fire from the Indians and realized the position, I joined the survivors and made it a point to keep about in the middle of them so that I should not fail to keep up. Several soldiers did become separated from us in the confusion and excitement.

Captain Marsh insisted upon crossing the river at the point just mentioned, in opposition to the judgment of his men. He was in command, however, and would have had his way had he not entered the water first, considerably in advance of his men, and drowned in midstream in sight of all. He could not swim, and help did not reach him.

How it came about I do not know, but the party I was with had now dwindled to perhaps ten or twelve men. We kept on down the river, still on the north side, and about dark filed up onto the bluff into the Fort Ridgely road. I think Wagner was with us. The poor fellows were tired, and having, as it seemed to them, escaped from the jaws of certain death, became a bit demoralized and relaxed their vigilance. Two of them dropped their muskets, and were going on without them; I picked them up, and was trudging along, having a strong feeling within me

that they might be wanted, when they took them from me without saying a word. We reached the fort about midnight, and then ended a long and eventful day.

I stayed during the siege, but will not give my experience of it, as many others have written faithful and graphic accounts. Final relief came when General Sibley arrived with men and a long line of wagons loaded with provisions for the besieged. This was a happy day for everybody. The wagons were soon unloaded and filled up again with several hundred refugees, who, in care of Mr. B. W. Smith, of St. Paul, with a very small escort, started on the afternoon of the same day on the return journey to St. Peter. I climbed in somewhere, and reached St. Peter in due course unharmed. I went to the home of Governor Swift, who lived across the street from my father's house, where I was kindly received. While there I struggled hard with soap and water to get rid of some of the outside dirt, but it was grimed in too deep to come off with one operation.

Leaving St. Peter, I walked to Traverse des Sioux and stopped a night with the McIntyres, who were old friends of our family. The following morning one of them walked with me to a spot where the stage coach for Shakopee passed, gave me \$1.50, and with his blessing boosted me up to the front seat with the driver, at the same time telling him briefly who I was and something of my recent experience. A boy soon gains the good will of a man who lives with horses, and we got on together famously all day.

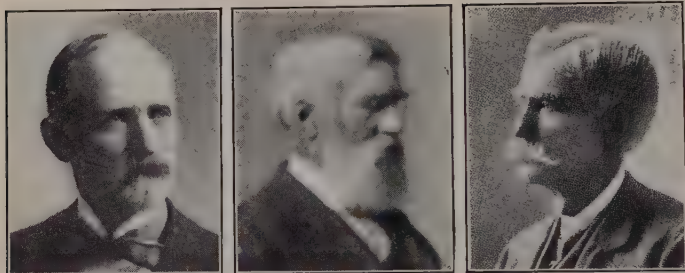
When we came to the point where fares were collected, matters were put right for me by the stage driver and payment was not pressed. But when we stopped at the hotel at noon for lunch and I had partaken heartily along with the other passengers, I was stopped on the way out and payment was demanded. Having only \$1.50 and a long journey before me, I was economical of the truth and told the collector that I could not pay him. When he had about exhausted his vocabulary of profanity, he asked my name. This I was willing enough to give him, and a gentleman who had been listening to the one-sided argument ordered him to allow me to pass, stating that he knew my father well, etc. I never learned the name of this

kind man, but I was glad to get up on the coach again with my capital still intact.

We reached Shakopee about sunset and drove to a hotel, where all alighted and passengers for St. Paul were obliged to stop for the night, as the steamboat to complete the journey did not leave until the following morning. I walked to the hotel counter, and when my turn came was asked what I wanted. "A bedroom," I replied. Again I was in trouble; I wonder that the man stopped to ask my name, when my style of dress is considered, and that I did not carry even a small parcel. But he did, and God had sent another gentleman to stand there at that special time to hear it, and to explain that my father was a personal friend and business customer of his. His name was Mr. Howe, and his firm supplied my father with drugs. So I was made comfortable, and when I left that hotel in the morning the \$1.50 still traveled with me. But I parted with some of it for steamboat fare, for I knew that when I reached William L. Ames, my uncle, in St. Paul, I should be looked after and not need it.

You shall now hear what I wore when I presented myself at my uncle's in St. Paul: a man's black soft hat (expecting to swim the river, I had left my own hat and coat at the river bank where Captain Marsh was drowned, and had replaced both at the fort); a man's linen duster, which nearly swept the ground; trousers (worse for wear, of course); a very dirty shirt; and a flannel band which my mother had fastened around my neck for sore throat a day or two before the massacre. I had one brace to hold up my trousers, possibly two; but I certainly had no other clothing nor luggage on that day when I entered the confines of civilization.

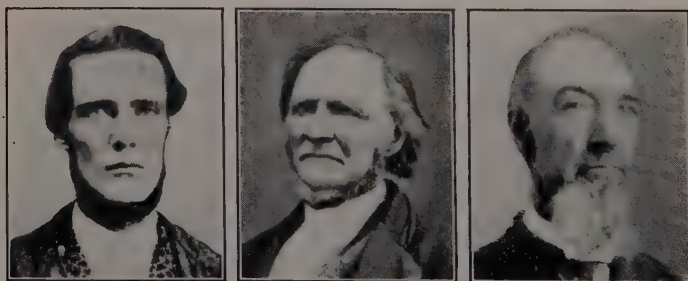




JESSE V. BRANHAM, JR. THOMAS G. HOLMES. ALBERT H. SPERRY.



PEOPLE ESCAPING FROM THE SIOUX MASSACRE, IN 1862, UNDER GUIDANCE OF JOHN OTHER DAY, AT DINNER ON A PRAIRIE.



CHAUNCEY LAMSON. NATHAN LAMSON. JAMES BIRNEY LAMSON.



## NARRATIVES OF THE SIOUX WAR.\*

BY MARION P. SATTERLEE.

### THE ACTON MURDERS, BEGINNING THE MASSACRE.

In recounting the occurrences of the Indian Massacre, the necessity of differing with the statements and opinions of eminent writers produces an embarrassment, only relieved by the fact that they could not have witnessed all the incidents, being dependent upon others mostly for their information. Further, the tales here recounted are given but slight courtesy by military historians, and we shall not trespass upon the military field, which has been so copiously covered by able authorities.

To those not familiar with events leading up to the Sioux Massacre of 1862, it may be briefly stated that in 1851 a treaty was made with the Sioux tribes by which they released some 24,000,000 acres of land for a total consideration of \$2,075,000. This was to be paid, a part down and the balance in annuities. The sum of \$495,000 was to be "paid to the chiefs in such manner as they hereafter in open council shall request." Instead, the Indians were forced by the authorities to pay traders' debts to the amount of \$220,000, or go without their money. The payment of 1862 was held back at least two months while the Indians were on the verge of starvation. It is the old, old story of our Indian policy. The Indians could not enforce the treaties made, and it is doubtful if they were competent to buy a sack of flour, especially if a bottle of "firewater" was in the deal. The whole treaty and style of procedure was as farcial as the negro vote in Mississippi after the war. Missionaries and officials talked wisely about the "Father at Washington" and the "Great Spirit," but the effective work was done by unprincipled traders, agents, and the "liquid spirit" which steals away the brains of men, especially Indians. Trite as their say-

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\*Read at the monthly meeting of the Executive Council, September 11, 1911.

ing, "We need the money," was the demand, "We want the land;" and a few reckless promises, more or less, given to Indians made no difference—few were recorded.

Lest this appear pessimistic, it is well to explain that it was hard to deal reasonably with these strange people who claimed the land. As said by Rev. Samuel W. Pond, "They were not models for imitation, neither were they properly objects of contempt." Those who care to investigate will find many reasons for the outbreak of 1862; but the essential facts are, that the Indians were obnoxious to and in the way of the whites, were preyed upon by conscienceless traders and boot-legging liquor-sellers, and were neglected by the government and its agents, till at last long smothered anger and acute hunger produced a storm that broke in fury, the opening event of which was the murders at Acton on Sunday, the 17th day of August, 1862.

In Acton township, Meeker county, on section 21, lived Robinson Jones, postmaster, Indian trader, and farmer. He was married to Mrs. Ann Baker the previous year, on January 14; but through some error her name appears as Ann Baker on the monument erected over the remains of the victims at Ness Cemetery. Living with them was Jones' niece, Clara D. Wilson, aged fifteen years, and her half brother, eight months old. The house was a two-story log building overlooking a marshy lake on the south, and was surrounded by heavy timber known as the Acton Woods, a part of the once famous "Big Woods." The Pembina-Henderson trail passed at the back of the house and along the west side.

About a half mile southeast of this place was a cabin of small size occupied by Howard Baker, a son of Mrs. Jones by a former marriage. His family consisted of a wife and two small children, and stopping with them on this day were Mr. and Mrs. Viranus Webster, who had a day or two before come from Wisconsin and were looking for a homestead. The house faced south and was surrounded by timber, and the above mentioned trail ran a few feet in front of the house from east to west. A monument, commemorating the "First Bloodshed of the Massacre," was erected in 1909 on the site of this cabin.

On the 10th of August, twenty Indians of the Shokpay (Shakopee) band left the Lower Agency on the Minnesota river

to hunt in the Big Woods and were divided into several parties. About nine o'clock on this Sunday morning, six of these Indians appeared at the Jones residence and made the usual demands for something to eat, and no doubt wanted whiskey in addition, as they knew that Jones kept it for sale. Chief Big Eagle, in an account given in Volume VI of this Society's Collections, names four of these Indians, as follows: Sungigidan (Brown Wing), Ka-om-de-i-ye-ye-dan (Breaking up), Nagi-wi-cak-te (Killing Ghost), and Pa-zo-i-yo-pa (Runs against something when crawling). Rev. S. W. Pond names two more; Hdinapi and Wam-du-pi-dan, as taking part. This treacherous pair had married into the Shokpay band. All of the six claimed the distinction of doing the killing, and all probably did shed blood, as five people were shot down, four of them within a few seconds of time. With the honor goes the disgrace of causing the loss of lands and money of all the Sioux in the state of Minnesota, and the massacre of about a thousand innocent people.

One of these Indians had borrowed a gun from Jones the preceding spring, and had not returned it as agreed. This act might now be deemed a trivial matter, but it was not so when people lived largely by hunting and guns were not on sale. Jones was a stalwart man and had no fear of, or regard for, the Indians. He refused to give them anything, and entered into an altercation with them over the borrowed gun. The Indians became angry and left, going toward the cabin where the Baker and Webster families were living. Knowing that the newcomers would be alarmed at the appearance of the Indians, Jones locked up the house, leaving the niece and her brother inside, and, taking his gun, went over to the Baker cabin, his wife accompanying him.

The Indians had made no demonstration when they arrived. Baker's little son had given them water, and the men had furnished them with tobacco; but, when Jones came up, the quarrel over the gun was renewed and the Indians became very sullen. Finally, they wanted to trade guns, and incidentally to shoot at a mark. One of the Indians and Baker traded guns, the Indian paying three dollars boot in the trade. A target was fixed on an oak tree some six rods from the cabin, and a

trial of guns was made. Afterward all returned to the house, the Indians immediately reloading as if they were going on hunting. Mrs. Jones and Mrs. Baker, with the two children, were in the house, and Baker, after hanging up his unloaded gun, stood in the doorway, leaning against the casing. Mrs. Webster was in the wagon near by, getting out some articles wanted, and Mr. Webster, who had not been shooting with the rest, was carrying the things to the house from the wagon. Jones, evidently suspicious of trouble, had stepped around the corner of the house to reload his gun. One of the Indians walked a distance on the road toward the Jones place, and the others were about the cabin door. Suddenly one of them, carrying his gun across his elbow and standing near Mr. Baker at the door, shot him through without lifting the gun from his arm. Immediately the shooting was participated in by all the Indians. Mrs. Jones was shot while sitting just inside the door, Mr. Webster in the dooryard, and Jones, who ran toward the woods, endeavoring to load his gun as he went, was shot down near a cornerib about three rods from the house. Mrs. Baker had her youngest child in her arms and was either pushed or fell into the cellar through an open trap door, where she stayed until the Indians left. Mrs. Webster in her fright fell down in the covered wagon and was not molested, nor was the oldest child who lay on the bed in the cabin. After the shooting the Indians went north on the trail, and, in passing the house of Jones, caught sight of Clara Wilson, shot her to death through a window in the pantry, and then continued on out of the woods. There were left alive, of the three families, Mrs. Baker and two children, Mrs. Webster, and the baby boy at the Jones place.

Contrary to all succeeding events of this kind, they did not mutilate the dead, nor steal or burn property, which leads to the conclusion that enmity toward Jones and his family was the real motive of the murders. They did not get any liquor at the Jones place, and liquor cannot be blamed for the tragedy, for the settlers found afterward that the house was not entered, nor the liquor kept there disturbed. The fact that Jones kept liquor and sold it to the Indians, led many of the settlers to think that the murders were simply the outcome of a



drunken brawl, but that there was no outbreak of a general nature, and some were probably killed while delaying flight on this theory. There are many stories of Indians appearing at different places in the neighborhood during the same afternoon, and probably some of the band of twenty hunters did appear; but it is certain that the six who did the killing were the ones who soon after made a show of arms and stole a team of horses, with which they carried the news of the murders to Little Crow at the Lower Agency that night. The war for the extermination of the whites commenced at daybreak next morning.

Four Indians came to the residence of Peter Wicklund, at Lake Elizabeth, a few miles from the Baker place, while the families of A. M. Ecklund, P. M. Johnson and Jonas Peterson were at dinner with the Wicklunds. Two came to a window and two at the door, and pointed their guns threateningly at the people. Mrs. Ecklund got up from the table and went to them, and, pushing their guns aside, demanded to know what they wanted. They told the men to come out as they wanted to talk with them. The men, four in number, went out with them a few rods from the house and were told that the Chip-pewa (Ojibway) Indians had murdered the Jones and Baker families at Acton. The settlers did not believe them and went back to the house, and the Indians went away. On going to feed the stock that night, it was found that the team of Mr. Ecklund had been stolen. Indians riding double on two horses, with a third holding to each horse's tail and running, were seen that afternoon going toward the Agency.

After the shooting at the Baker place, the women finally came from their places of concealment and cared for Jones, who lived for some time in such terrible agony that he tore up the ground in his death writhings. They took the two children and went to the residence of John Blackwell, about four miles west of the present Litchfield; but not finding anyone there, went to the home of Nels Olson and told their pitiful story. Ole Ingeman was at once sent as a messenger to Forest City, the county seat, with the news, and the settlers organized a party to go to the scene of the tragedy.



The party started from the Iver Jackson place, eleven in number, and, approaching the house from the east, they went up cautiously and called, if any were there alive, to "cry out," but received no response. It was about nine in the evening and the moon was shining, but it was dark in the woods. After a time they went into the house and lit a lamp, with which they found the bodies. They covered the body of Jones, which lay outside, with a wagon box to keep off animals, closed the door of the cabin where the other bodies were, and then debated the safety of going to the Jones place, where the children had been left, fearing that the Indians were there in a drunken carousal. They decided that it would not be advisable to go, and had started to return, when they were joined by another party of six, and as they were now seventeen, they determined to go.

On arriving at the Jones place all was still, and entering the house, with the lamp which they had brought, they found Clara Wilson dead on the pantry floor, where she lay in a pool of blood. On their opening the door into a bedroom, the little boy got up from the bed and began to cry. The slug which killed the girl was found and kept for a number of years by Evan Evanson, a member of the party. Taking the boy, they returned to the Iver Jackson place, where the neighbors had assembled.

The next morning settlers from all parts of the surrounding country gathered at the Baker place to bury the dead, and to consider this act of the Indians, whether it was mere murder, or if the long threatened outbreak had indeed begun. Rough boxes were made for the five bodies, and as they were about ready at noon to start for the Ness settlement, eleven mounted Indians appeared over the hill about forty rods to the southeast, coming toward the cabin, who on seeing the gathering stopped. Some of the men hailed them and started toward them, but apparently scenting danger they turned and fled to the south. They were followed to a marshy run which they rode through but the settlers could not cross. A party was then made up, among whom were J. B. Atkinson, A. H. DeLong, and James McGraw, who followed the Indians for several miles but could not overtake them.

The bodies were then taken to the Ness settlement cemetery and buried, and the graves are now marked by a monument placed by the State. The day following the burial, the news of the massacre reached most of the settlers by means of a party escaping from the Agency, conducted by John Other Day, a friendly Indian, and the settlers gathered at Forest City, where a stockade was erected and a home guard company organized under Capt. George C. Whitcomb. However, many settlers in the county of Monongalia (the north half of the present Kandiyohi county) did not hear the news in time to escape, and nearly a hundred were killed by the Indians.

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#### THE BATTLE OF ACTON OR KELLY'S BLUFF.

An English soldier said that "the glory of war, for the private, consists in getting killed in battle and having your name misspelled in the army reports." This was much the case of the Minnesota settler who fought off the Indians, either alone or in assisting army troops. Perhaps had the civil war been off the map of events, history might have been more kind. It was not for grand parade that citizens were asked to leave their families and go into the unknown districts to rescue friends and relatives from savages; on the contrary, it was to encounter certain hardship and suffering, and perhaps death in a terrible form. Neither was there then, as now, a floating population ready to enter the work from the love of excitement. These men were from the leading business houses and homes of Minneapolis, and they responded to the call of humanity in the same spirit as the "Boys of '76," when danger threatened their homes. They went out to meet a foe that knew no rules of war and gave no quarter in victory. We know now, that had Fort Ridgely fallen, every Indian tribe in the state would have been in war-paint and there would have been a question if the streets of our Twin Cities might not have flowed with blood as did those of New Ulm. While St. Paul's contingent went forth, led by the Indian fighter, General H. H. Sibley, the Minneapolis men were raw recruits, led by an inexperienced leader. It was a body of men to be proud of, who consented to face these conditions, stayed the tide of mur-

der, and stopped the rush of settlers from the state. The band known as Strout's Company, including a part of his Company B, Ninth Minnesota Regiment, were about one third volunteer soldiers and two thirds citizens in and about Minneapolis.

In keeping with the spirit of the times a song was written, commencing thus:

"Brave Captain Strout and Company B,

They will make the redskins flee,

And drive them west into the sea,

And stop the warwhoop forever.

Chorus: The Union forever, hurrah, boys, hurrah,

Kill every Indian, papoose and squaw;

The Indians must be slain or driven to the plain

And silence the warwhoop forever."

While the meter and rhyme are somewhat irregular, the emotion is too plainly expressed to be mistaken, and the Indian warwhoop was "silenced forever," so far as Minnesota is concerned. It is endeavored here to collect the full data of this campaign of Indian fighters, and no pains have been spared to get the names, routes, camping spots, and dates, to a nicety, and accurate beyond dispute.

General history is very mute regarding Captain Richard Strout and his men who fought off the Sioux Indians at Acton on September 3, 1862, for three reasons:

First, the petty jealousy in public work, among leaders, including the printed abuse of a former Land Office appointee, who at the time pretty nearly directed the Indian war,—if you let him tell it.

Second, the company was composed of citizens who went forth of their own accord, virtually a sheriff's posse, such as might be picked up now to arrest robbers. About twenty were newly enlisted, undrilled soldiers, and the rest civilians. This fact has kept the company out of military history, or, worse, "damned it with faint praise."

Third, the "tee-hee" crowd, who saw an excruciatingly funny side to the Indian war, made these citizen soldiers the butt of much ridicule, despite the fact that, outnumbered more than four times, they beat off a savage foe, who later annihilated the idolized Custer and his unexcelled Indian-fighting soldiers. Add to this the efforts of misinformed writers, who,

having no knowledge of the times, Indians, or pioneer conditions, have elaborated or twisted the story until a participant, as Private DeWitt C. Handy says, "has to scratch his head to remember if he was in the battle."

It is true that these men were not soldiers, and many were like A. H. Rose, who says, "I had never fired a gun before the battle, but they showed me how to load, and I pointed my gun at the Indians, shut my eyes, and pulled the trigger."

These are the chief reasons that Captain Strout and Company B are almost unknown in their home city. Many parties are now dead, and harsh language is unbecoming; but only the tongue of slander can tell other than this: "Strout and his men went forth in good faith, and performed their duty boldly and without wavering, so far as they were able." For defense of this position read the story.

On Sunday, August 17, 1862, five persons were massacred by Sioux Indians at Acton, in Meeker county. This outrage precipitated the celebrated Minnesota Sioux Indian War of that year. Word was received in Minneapolis the 19th, and following this came tidings from the Lower Agency that every person there had been killed, that Company B, of the Fifth Minnesota, under Captain Marsh, had been ambushed and nearly all slaughtered, and that the Indians had commenced the long threatened "war of extermination." By the next day the refugees from near settlements came pouring through the city in mortal fear of Indians, panic-stricken, deserting everything and fleeing for life. Fears for the safety of relatives and friends on the frontier, and anger at the horrible outrages committed, created intense excitement. Sunday, the 24th, was a memorable time at the churches and public gatherings. It was decided that the state and citizens must act at once, and not wait for the slow moving general government, or the state would be depopulated and ruined.

Leading in the earnest movement, Captain Strout, who was organizing a company for the Ninth Minnesota volunteers, was ordered to gather what he could of his company (the men were on leave preparatory to enter the service), enlist citizens for short term service, and report at Glencoe, McLeod county. On Tuesday the 26th, at noon, the company assembled at Bridge



Square, on Nicollet avenue and Second street, about sixty men strong, not including teamsters. They were equipped with discarded smooth-bore Austrian muskets, no uniforms, nor sufficient wagon train, but the captain had authority to impress teams as he might need them. Each member was given his complement of ball cartridge, and they marched away up the river, and camped in the northern part of Brooklyn township that night.

The next morning a team owned by Andrew Smith was impressed from D. B. Thayer's threshing crew, at Osseo, and others were secured along the route till a good part of the men could ride. Wednesday night they camped at Monticello in Wright county, after a hard march. Thursday they made a fifteen-mile march, camping at night in Clearwater. Friday a march of thirty-five miles to Forest City ended at dusk. Saturday they went by way of Greenleaf and Cedar Mills to Hutchinson, where they camped about the church. On the day's march they found one place where the people had fled leaving the table spread for a meal, at another the beds were thrown open as if flight had commenced in the night. But they saw no Indians, nor further signs.

Sunday morning, August 31, they marched to Glencoe, their objective point, and arrived in time for the church meeting. As matters were reported serious at the settlements lying to the northwest, it was decided to return to Forest City, so on Monday they marched back to Cedar Mills, where camp was pitched. On Tuesday they went leisurely to Acton, and considerable time was spent in repairing a bad slough crossing, a fortunate job. On that afternoon they entered the Acton woods from the east, and after inspecting the Baker place, where four persons had been murdered, they marched on to the Jones place and pitched their camp. The place was surrounded by timber, and the tents were set in the yard about the house.

Captain Strout has been criticized for camping in these woods, despite the fact that no damage resulted from the act. In reply to his critics, let us note that the Sioux were prairie Indians, and there is no record of their selecting a battle ground in timber. Birch Coulee and Wood Lake were fought



on the prairie; Custer's command was slaughtered in the open. The two latter fields were selected for battle by the Indians. At Acton the Indians had the command surrounded in the dense timber, and could have forced battle had they so desired. The opening tragedy of Birch Coulie is a sample of what Strout might have met had he camped in the open prairie.

The Sioux strong point in fighting was to make themselves invisible by covering their heads and bodies with prairie grass, which practice has caused men time and again to testify that "the Indians seemed to rise out of the ground." Furthermore, the attack was not made next morning until the company was a long mile from the woods, though Indians were in the timber at the time. It is not known that Captain Strout considered the question, but his judgment is not censurable if he did.

On this Tuesday, September 2, Captain George C. Whitcomb and a squad of the Forest City Home Guards were at Hokan Peterson's place, about twelve miles from Forest City. He was watching Indians at the Acton woods, some three or four miles off, when suddenly about 150 Indians rose from the grass a few rods away. The squad escaped in short order but lost a wagon which stuck in a miry place. On arriving at Forest City, Captain Whitcomb found Strout's messenger, saying that his company would camp at Acton that night. From what he had seen, Whitcomb knew that the Indians were preparing to entrap Strout's command. He at once called for volunteer scouts to warn Strout of his danger and tell him to examine his ammunition. Three brave fellows, Jesse V. Branham, Jr., Thomas G. Holmes, and Albert H. Sperry, stepped forward.

A digression here is needed for the benefit of the present generation, regarding conditions of those days. Sioux Indians on the prairie were as treacherous as snakes in grass. They were absolutely noiseless in action, would crawl as fast as white men walk, and were nearly as fleet of foot as a horse. There were no roads, as we know them now; such as there were consisted of trails following the high ground to avoid the marshes, and leading to the best places to cross prairie streams, which often made long detours necessary. Every Indian knew them, foot by foot, and also knew every short cut which might be traveled under favorable conditions of weather or season.

It was the duty of these men to find a roundabout way to get to Acton, to avoid usual crossings where they might be waylaid, keep away from the prairie groves where they might be ambushed by straggling parties, discover any Indians endeavoring to cut them off on the prairies, and lastly to discover and approach Strout's camp wherever he might be by breaking through the Indian lines, which they knew were drawn about him waiting only for daylight to give battle. Those who appreciate the conditions will wonder that men would dare to undertake it. The squad was placed in charge of Branham, a man of undoubted ability and courage. Captain Whitcomb wrote later, "I feared I would never see them again." They went east several miles passing between Litchfield and Darwin, as now known, then southwest passing between Round and Minnie Belle lakes, far down into Greenleaf township, thence northwest by Evanson lake, where they struck the Henderson-Pembina trail. At the outlet of the lake they hunted on hands and knees, in the mud, till they found evidence that Strout's train had passed and was following the trail toward Acton.

Nearly the entire time they traveled on the grass outside the road to deaden the sound of the horses' hoofs. Finally they approached the Acton woods after passing Kelly's Bluff. All was deathly still about them until as they reached the Baker cabin the dogs rushed out barking loudly, no doubt revealing their presence to the Indians, but not to the sleeping company. There is little question, judging from developments and Indian tales, that a score of warriors slunk from the road and permitted the scouts to pass in, believing their prey would be increased just that much. After the noise and alarm they felt their way more cautiously than ever. Branham put his hand on Holmes' shoulder, as they reached the Jones place, and asked if he could not see the white tents in the yard. Holmes assented, they hailed the guard and were admitted, where they delivered to Captain Strout their message. Captain Whitcomb writes:

It has been shown beyond the shadow of doubt that when Branham, Sperry and Holmes were within six rods of Strout's camp, a head warrior, brother-in-law of Little Six (Shok-pay), with his warriors

stood on the road, and at their approach eleven on each side stepped back, allowing them to pass in. Red Dog was to lead the attack on the north, Mic-aw-pan-eta on the east, Little Six on the south, and Bald Eagle, a renegade chief of the Standing Buffalo band, on the west. Signals were to be given by hooting, in imitation of an owl from tree tops, to show the location of the leaders. Little Crow had the supervision of the attack. At 3 a. m. the final signal was to be given and the harvest of death to begin, but the awful consequences were averted by the timely message carried by these three brave men who proved themselves the bravest of the brave.

A council was called, and a detail was set at pounding down the large caliber bullets to fit the guns. After consultation it was decided not to break camp till daylight, though some favored an immediate retreat to the open prairie. Instructions were given, in case of attack, "to hug the ground and fight, each for himself." There is some criticism placed on Captain Strout for this misfit in ammunition. The facts are, that the state had a number of Austrian and Belgian muskets, bored 62 and 59 (100ths inch) caliber, and ammunition to fit. Criminal carelessness on the part of the issuing officer transposed the sizes. Captain Grant and Company A of the Sixth Minnesota were confronted with the same mistake, and this in the midst of the bloody battle of Birch Coulie. The proper cartridges for these guns were sent to Fort Abercrombie, where they were too small to be of service, and the bullets flew wild from the guns. The first lot issued by Strout was right, and he had no reason to suspect that the rest was different. That night each man had twenty rounds perfect, the reserve was all wrong.

Camp was broken early in the morning, and Branham, on Strout's advice, was to lead them out without a battle if possible, on account of the poor arms and ammunition. He was placed in charge of the mounted men, consisting of his detail and scout A. H. DeLong, and led the way some distance in advance. Branham intended to go to Forest City by the route the scouts had taken. The command left the woods and proceeded on the trail across a rolling prairie, with Long lake on their left. Passing through a swale and while ascending to higher ground, the scouts saw a peculiar glisten in the morning sunlight and soon became convinced that it was caused by

guns in the hands of Indians, who were skulking along a fence in a wheat field near Kelly's Bluff. It was afterward found that these guns were Springfields from Captain Marsh's company, massacred at Redwood Ferry August 18th. Word was sent back to Strout to prepare to fight, and to spread his men in wide open order. The scouts and Indians exchanged shots.

Indian signals, waving blankets and yelling, were commenced ahead; and soon a large body of mounted Indians, from the woods, charged the rear. Sergeant Kenna was ordered to charge them with a squad of twenty men; as he did so the Indians spread out from the trail and came up on each rear flank, trying to encircle the command. At this point the company were on very low ground, and the losses were severe. Privates George W. Gideon and Alva Getchell were killed, several others were wounded, and for a short time there was confusion of both men and teams. Scout Branham was shot through the lungs and thus a valuable aid was put out of the fight. In a few moments Strout had matters in hand. The company was divided into four squads, under Lieutenant Clark and Sergeants Getchell and Kenna, and placed at the front, rear, right and left of the wagon train, and they soon spread out, driving the redskins back, at the same time making less of a target of themselves. By strenuous fighting the left squad kept the Indians from getting between them and the lake, while the others, by driving them back, permitted the wagons to reach the higher and more advantageous ground. It was good maneuvering, and most gallantly performed. Reaching the base of Kelly's Bluff, it was debated whether to entrench or to retreat toward Hutchinson, and it was decided to go to that point. Scout DeLong had already gone through the Indian lines for reinforcements from Captain Harrington at Hutchinson.

Along Kelly's Bluff Private Edwin Stone was killed and several more wounded. The dead were left behind and their bodies were horribly mutilated, when buried by a detachment from the Third Minnesota a few days later. Every wounded man was placed in the wagons, and the retreating fight was continued to Cedar Mills. At the marshy crossing repaired the previous day, the Indians pressed them hard and captured



one team and two wagons. In fact they had calculated to capture or kill the whole outfit at this point, and would have succeeded if those repairs had not been made. Everything that could be spared was thrown from the wagons, and the way the Indians fought each other for the food was amusing even in battle. About fifty noble warriors on hands and knees fought for a half barrel of sugar like pigs, and the pursuit lagged. Scout DeLong with reinforcements met the company a short way out of Hutchinson. On that night the wounded were placed in a hotel, just outside the stockade, and at daylight next morning the Indians attacked the town and their quarters were riddled with bullets, but all were safely taken into the stockade.

The losses of the company in the battle were three killed, eighteen wounded, nine horses, two wagons, and all commissary supplies. The battle was the fiery baptism of a number of good soldiers of the civil war, some of whom fell in battle, some perished in Andersonville, and some, thank God, still live. The result of the campaign was the discouragement of Little Crow and his followers. This was the fourth and last battle which he personally conducted in the massacre war of 1862.

It is but fair to say that fortune was kind to Strout and his men, but none the less must we commend the noble intentions and acts of those heroic citizens who placed their lives in jeopardy for the stricken, outraged settlers. The savage hordes have gone; the commander and most of his company are beyond the veil of death; and glorious Minnesota has risen from an unknown wilderness to a peerage among the States.

This account is as accurate as can be given at this time, and is verified by several members of that gallant body of home defenders. On the 21st of August, 1909, a monument was placed at Acton, at the Baker place, by the state, marking the site of the "First Bloodshed." There were present, of the survivors of this battle, A. H. Rose, DeWitt C. Handy, Milton C. Stubbs, James Marshall, Scouts Jesse V. Branham, Albert Sperry, and A. H. DeLong; of people interested in the event, Evan Evanson, who accompanied the party to the Jones house after the murders of the 17th, Nathan Butler, who built the Baker house in 1857, Hon. G. A. Glader, who assisted in bury-



ing the bodies of Stone, Getchell, and Gideon, a few days after the battle, and Mrs. Ellen, widow of Capt. Lewis Harrington, of the Hutchinson Home Guards. To all of these thanks are due for the details of this account. The exercises were under the supervision of Senator J. W. Wright of Litchfield, and were participated in by several thousand citizens.

About a year after the foregoing narrative was read in the meeting of this Society, a banquet was given at the Nicollet House in Minneapolis, on the evening of November 20, 1912, to commemorate the Fiftieth Anniversary of the Battle of Acton and to honor its survivors.

At the appointed hour the tables were filled by groups of men whose past career or present relations made them congenial company, and not the least in the pleasures of the evening were the visits of friends recounting the events of a half century ago. After the repast, which was accompanied with patriotic selections by veteran Charles H. Freeman's orchestra, President Anton Knoblauch opened the meeting with the following words:

"Friends and Members: We are guests of the Center Improvement Association, whose object is not only that which its name implies, but also to preserve and perpetuate the history, traditions, and landmarks of this section of our city. We are here this evening to honor Captain Strout's Company of citizen soldiers, partially made up of business men from this part of the city, who in September, 1862, went to battle at Acton and Hutchinson against the Sioux Indians, so that the settlers might pursue the tilling of their lands unmolested."

Mr. Knoblauch then introduced Marion P. Satterlee as master of ceremonies for the evening, who, by the aid of Edward A. Bromley's stereopticon views, told of the upbuilding of the Association district since 1858. Then followed a description of the organization of Strout's Company, during the excitement of the massacre tidings of murder and destruction; of the sacrifices of these men, who left their families and homes to fight the savages. A detailed statement of their marches and the battles was given, also an account of the killing of Chief Little Crow by Nathan Lamson and his son Chauncey, near Hutchinson, on July 3, 1863.

A most able address was given by Ex-President William W. Folwell of the State University, on "The Causes leading to the Massacre of 1862."

The roll of the men composing the Company was then called; ten responded to their names, eleven were reported absent, 27 were reported dead, and for 22 no report was made.

In response to the toast, "To the Dead," Ex-Governor Samuel R. Van Sant gave a fine eulogy of the men who died for their country fighting rebellion in the South or the Indians at home. He declared that the present generation is receiving the benefits of the deeds of patriots, Union, Confederate, and civilian soldiers, whose work lives after them.

To the toast, "To the Absent," Edward A. Bromley responded, comparing the sad absence long ago of loved ones "gone to the war" with our regrets for those absent from this reunion.

The toast, "To those Present," was responded to by J. H. Crandall, a member of Strout's Company, who encouraged all to show their appreciation of our triumphal progress as a nation, in war and in peace, by true manhood and right living.

At the call for soldiers of the Sioux War present, twelve men who fought at Birch Coulie, and four or five each from Fort Ridgely, New Ulm, Forest City and Wood Lake battles, responded by rising and were heartily cheered.

#### ROSTER OF CAPTAIN STROUT'S COMPANY AT ACTON.

At the Roll Call after the banquet those present responded to their names; for the dead and the absent, response was made by members of the Company.

|                                        |                                     |
|----------------------------------------|-------------------------------------|
| Adkins, F., dead.                      | Corratt, C., no report.             |
| Allan, William C., present.            | Crandall, James H., present.        |
| Ames, James A., dead.                  | Cushing, M., no report.             |
| Beadle, Frank, sergeant, dead.         | Day, J. W., in California.          |
| Bennett, Abner C., died of wounds.     | Doherty, A., in city.               |
| Blondo, Lyman, dead.                   | Douglass, C. H., no report.         |
| Bostwick, R. C., dead.                 | Florida, Joel, dead.                |
| Brown, W., quartermaster sergt., dead. | Friederich, A. A., present.         |
| Carr, Ezra T., sergeant, dead.         | Gemasche, George, no report.        |
| Chambers, Thomas, dead.                | Getchell, Alva, killed at Acton.    |
| Clark, W. A., lieutenant, dead.        | Getchell, D. W., sergeant, in city. |
|                                        | Gideon, George W., killed at Acton. |

Green, John, dead.  
 Ham, C. D., no report.  
 Handy, DeWitt C., present.  
 Handy, Joel, dead.  
 Hanscomb, A. B., no report.  
 Hawkins, D. C., no report.  
 Hart, Joseph, no report.  
 Higgins, Judson C., in city.  
 Hoag, A., no report.  
 Hubbard, R. R., no report.  
 Huckins, J. W., Northfield.  
 Hunter, William, no report.  
 Jacques, Winter, in city.  
 Johnson, C., in city.  
 Kenna, Michael, sergeant, dead.  
 Kirtz, Fred, no report.  
 Laraway, Albert, dead.  
 Larkins, J. K., no report.  
 Little, George W., no report.  
 McConnell, J. C., no report.  
 McNeill, Neill, dead.  
 Marshall, James, present.  
 Marshall, Thomas, dead.  
 Mayer, Robert, no report.  
 Merritt, L. W., in city.  
 Morrison, George H., dead.  
 Muir, Robert, no report.

Murch, J. P., no report.  
 Murray, John W., present.  
 Perkins, J. H., dead.  
 Rose, Anson H., present.  
 Smith, H. A., no report.  
 Snell, S. D., no report.  
 Stone, Edwin, killed at Acton.  
 Strout, Richard, captain, dead.  
 Stubbs, Milton C., present.  
 Sweeney, James, Robbinsdale.  
 Sweesing, Fred, present.  
 Thompson, N. R., dead.  
 Tippin, F., no report.  
 Weeks, N. R., died of wounds.  
 Wise, A. H., no report.  
 Wolverton, J. A., dead.  
 Worthingham, Emory, dead.

#### SCOUTS.

Jesse V. Branham, Jr., Fargo,  
 Thomas G. Holmes, Long Beach,  
 Cal.,  
 Albert H. Sperry, present, these be-  
 ing of Captain Whitcomb's Com-  
 pany, Forest City.  
 Albert H. DeLong, Forest City,  
 Citizen guide for Captain Strout.

#### THE KILLING OF CHIEF LITTLE CROW.

Tay-o-ah-ta-doo-tah (His Scarlet People) was the third chief of the Kaposia band of Medawakantonwan Dakotas (Sioux) to be known by the name of "Little Crow." This tribe was divided into eight bands. The lower band, called Kiuska, lived where Winona now stands; the Kaposia band, just below St. Paul; Black Dog, just above Fort Snelling; Pinisha, at Nine Mile creek on the Minnesota river; Reyata Otonwa, at Lake Calhoun; Tewapa, at Eagle creek; and the Tintatonwan, at Shakopee, the largest village of the tribe. Little Crow had six wives and at least twenty-two children. He put away his first two wives when he married the third one. His mother was named Minne-okha-da-win (musical sound of water running under the ice). His family history was one of

tragedy. His father was accidentally shot while pulling his gun from a wagon, and died of the wounds. Two brothers were killed by the Chippewas, and two sisters committed suicide. Little Crow's braves killed two of his brothers in a battle for the chieftainship, and he was shot through both wrists in the fight. Army surgeons would cut off the maimed wrists, but it was refused and the Indian medicine man proved his superiority by saving his patient and both wrists. The wounds were disfiguring and were always concealed by bands of skunk-skin, as degrading to a chief.

Little Crow is the reputed leader in the Massacre of 1862, though he was only a minor chief in the Sioux tribe. As a matter of fact, he was defied by a large number of friendly (or at least neutral) Indians, who threatened several times to take his captive whites from him, and who saved many white people from being murdered. Little Crow had more credit than was his due, and investigation will show that the massacre was chiefly the work of a disorganized gang of cut-throats whom no one could call warriors in a true sense. After the crushing defeat at Wood Lake by Gen. H. H. Sibley, Little Crow fled into Dakota, from whence he returned the following summer (1863), for the purpose of stealing horses and provisions from the Minnesota settlers. His companions were his son, Wo-wi-napa (One who appeareth), Hi-u-ka, a son-in-law, and a number of others. They committed a number of depredations, among others killing James McGannon in Wright county. The story of the shooting here given is related by J. B. Lamson (called Birney), of Annandale, Minn., the brother of Chauncey, and son of Nathan, who jointly killed Little Crow on July 3, 1863.

In the early summer of 1863 (following the massacre, which commenced August 17, 1862), most of the neighboring settlers at Hutchinson were gathered at the village so as to be near the stockade, which was guarded by soldiers and civilians, in expectation of attack by the Indians who had been on the warpath since the outbreak, and who had previously attacked the town in September, 1862. Some of the settlers were trying to raise a little crop for food, on their farms, and the work was done by a part of the family while others were scouting for Indians. I had spent most of the spring on our homestead, about six miles directly north of the village, caring for the



stock and crops, which though small were very valuable to the settlers who were defying the savages and holding to their homesteads.

On the 3rd of July I had gone to the village to spend the Fourth, and father and my brother Chauncey had taken my place at the farm and on that evening were out hunting for deer. About an hour before sundown they were a strong two miles northwest from the farm, on a road running by a marshy lake (there were a number of such marshes or lakes called by the Indians "Scattered lake"); and at the point described there was a low place where the water crossed the road in the spring, and just beyond the ground rose again. Farther on was a bend where the road bore away to the right to pass around the lake, and at the opposite side from the marsh there was a blackberry patch of considerable size. Where the road ran out into the clearing, it was some distance of open brush to the dry run. Father and Chauncey walked into this open space for several rods in plain sight of the patch, when suddenly they observed an Indian jump on his pony and then off on the other side from them. Providentially, the Indian had not observed them, and they immediately sought cover in the brush and laid their plans; for to see an Indian meant death to him or his white enemy in those days.

Father was past sixty-three years old, but he was a true frontiersman, and brother Chauncey was not behind in frontier training. They had hurriedly noticed that there were two Indians and did not know but that there were more. After consultation Chauncey took a position which covered the road between them and the Indians. Kneeling on one knee, with his rifle cocked, he held his position while father crept forward and to the left till he got a poplar tree in the blackberry patch in direct line between him and the Indians. He then went forward to the poplar which was covered with vines, and from this vantage point, at a distance of about thirty-five feet, he shot the larger one of the two Indians (Little Crow), the ball entering the left groin. Both Indians and father went to the ground at the shot, and all was quiet as death, while each was trying to locate the other. Father was armed with a Colt revolver and thought he would try another shot at them with this, but he was not expert in its use and concluded to keep it for close quarters, if necessary.

The Indians seemed unable to locate the spot from which the shot had come, but father knew that the smoke from the black powder would soon rise from the tree and realized that he must get away from there. He had crawled back in his own path for about two rods when they riddled the tree with shot. It was afterward found that one slug and thirteen buckshot had struck it. One buckshot struck father on the left shoulder, as he was crawling away on hands and knees, which made a slight flesh wound about four inches in length; this caused him to change his course and get out of the line of fire. He turned squarely to the right and went a few feet, and then he



tried to load his rifle but got a bullet several bores too large for the gun; it stuck about five inches from the muzzle, and he could not force it home. Being afraid that his white shirt would be seen by the Indians, he took it off and tucked it inside his trousers from where he subsequently lost it. Crawling to the road, he crossed it and concealed himself in a clump of hazel brush about sixteen feet across. He determined to stay there and to use his revolver if discovered.

Little Crow skulked round the raspberry patch, following the road, and as he came in range Chauncey saw him and rose to his feet to shoot. Both fired, and so close were the reports together that the roar of Little Crow's shotgun drowned the crack of Chauncey's rifle to father. Little Crow was skulking in the Indian style, leaning far forward, his gun extended, with the butt almost at his shoulder, so as to get instant aim. He shot from the left shoulder, but evidently he did not get his gun to the shoulder before firing, as Chauncey's bullet struck the stock of his gun and then entered the left breast. Passing well through his stooping body, it stopped just inside the skin of his back, only a few inches from where father's bullet had come out. A slug from Little Crow's shotgun grazed Chauncey's head. Both went to the ground, and Chauncey commenced to reload his rifle, when he discovered that he had no bullets, and then he remembered that on leaving the house father had taken all the bullets from the table and slipped them into his pocket. This also accounts for father getting a bullet too large for his gun, as the rifles were of different caliber or bore.

Being thus unarmed, and not daring to approach the brush where he had seen father go, Chauncey determined on a ruse to draw the Indians away from him, if possible. He crept away a few rods, then boldly rose up in plain sight and started on a run for Hutchinson. Father could not see this from his place of concealment, nor did he know the effect of Little Crow's shot. He did know that the Indian had fallen not ten feet from where he lay, and he could hear his groans of anguish, and he lay perfectly still waiting events. After a time the son Wo-wi-napa came up to his father, and they talked for nearly an hour before the chief died. Father, not understanding the Sioux language, could not know what was said, but he heard the son mount the pony and ride away. He had placed a new pair of moccasins on his father's feet, and on leaving threw away his own single-barreled shotgun and took the double-barreled gun of his father. The single-barrel gun was afterward found by scouts.

After all sounds had died out father crept away, and he finally reached Hutchinson about four o'clock the next morning. In the meantime, Chauncey had reached town about ten o'clock at night, and on hearing the news a party of thirteen soldiers and five civilians was organized to go to the scene of trouble. I accompanied them out to our homestead, where we waited till nearly daybreak and then went on to the place of the shooting. As I was familiar with every foot of

the ground, from having hunted over it time and again, I was slightly in advance, leading the party.

On arriving at the turn in the road I saw a body lying at my feet in the dull light of morning, and I was terror-stricken with the thought that it was father, but it flashed through my mind that the bare breast was copper-colored and not that of a white man, and without a second glance I shouted, "Here he is, boys." We soon found the shirt which father had lost, and some thought he had been killed, but from the bullet holes in the shirt I knew that wound had been a slight one, though I could not know but that he had been killed later. We could not find him nor any more Indians, so we took up the trail of the pony. Before we had gone a great way we were overtaken by a troop of soldiers scouting for Indians, and they kept on the trail while we returned to town. While we were gone, father had returned from town to the place of shooting, with a neighbor and his team to take the body into town. When he arrived at the body he found that the troop in passing had taken the pains to scalp the Indian, probably to get the reward offered by the state at that time for Indian scalps. They placed the body in the wagon and drove back to Hutchinson, all unaware that the corpse was that of the hated Little Crow.

The fact that there was one more "good Indian" was enough to add to the joy of the celebration of the "Fourth." Among those in attendance was Hiram Cummins, a private of Company E, Ninth Minnesota Volunteers, who at once declared that the body was that of Little Crow. Many treated his statement as a joke, but he said, "There is no doubt about it. Here are marks that no man could mistake. He has a row of double teeth all the way around, and both his wrists are broken and ill set." On pulling up the skunk skins from the wrists the truth was apparent, though hard to think true.

Little Crow's son, after leaving his father, went northwestward to Devil's lake in Dakota, where he was captured later in a starving condition by General Sibley's troops. When killed Little Crow had on a coat which the son says was given him by Hi-u-ka, the son-in-law. This coat was taken from James McGannon, whom they murdered on the Kingston road in Wright county. The bones of one arm and the skull and scalp of Little Crow are in the Museum of this Historical Society. The remainder of his body was taken by the medical fraternity and treated with their usual courtesies in such cases.

## HISTORICAL NOTES OF GREY CLOUD ISLAND AND ITS VICINITY.\*

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BY JOHN H. CASE.

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Grey Cloud island, about five miles long and one to two miles wide, is situated in the south end of Washington county, Minnesota, between St. Paul and Hastings. It is bounded on the west end and south side by the Mississippi river, and on the north side and east end by the Grey Cloud creek or slough.

The name Grey Cloud in the Dakota or Sioux language is Mar-pi-ya-ro-to, with the addition of one more syllable, win, meaning woman. It was the Sioux name of both the wife and the daughter of James Aird, an Indian trader. The wife, first bearing this name, was a sister of the Sioux Chief Wabasha who took part in the war between the United States and England in 1812, and her father's name also was Wabasha. She was born at her father's village, where the city of Winona now stands, and died in 1844 at Black Dog's village, sometimes called Grey Iron's village, about six miles southwest of Mendota, on the Minnesota river in what is now Eagan township, Dakota county. She was buried in one of the Indian burial grounds near their village. Her marriage to Aird was in 1783 or soon afterward, and they had one child, a girl named Margaret.

James Aird was a Scotchman, born in Ayrshire, and is said to have been a cousin of Robert Burns, the poet. He came to America about 1783, landing at Quebec, and probably in that year came to Wabasha's village as a trader in the employ of the Hudson Bay Company. He afterward went to Prairie du Chien for the same company, where Joseph Rolette, Sr., was at the head of the company's trading post. Aird died at Prairie du Chien in the fall of 1819 or 1820. Hazen Mooers, the well

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\*Read at the monthly meeting of the Executive Council, May 13, 1912.

known trader among the Sioux, who came to what is now Minnesota in 1819, and Aird's granddaughter, Jane Anderson, were present when he died. A part of this information was obtained from this Jane Anderson, afterward Mrs. Andrew Robertson, who died at the Sisseton Agency in South Dakota, or at Brown's Valley, Minn., in the fall of 1905.

Margaret Aird was married to Captain Thomas Anderson about 1805 at Prairie du Chien. He was an officer in the British army, and took part in the capture of Fort McKay at that place in the war of 1812. He was born at Cornwall, Canada, in January, 1778, and died at Port Hope, Canada, in 1874. They had three children, Mary, Angus M. (an early Indian trader in Minnesota), and Jane, who married Andrew Robertson, head farmer for the government at the Yellow Medicine Agency, and afterward superintendent of Indian schools on the reservation, from about 1854 to 1858.

In the Dakota language Margaret Aird was named Mar-pi-ya-ro-to-win, the same as her mother. She separated from Captain Anderson after they had been married about eight years, and later married Hazen Mooers, who was the first agent or trader for the American Fur Company at Lake Traverse, Minnesota, building the trading post at that place. Margaret was with him there, and also at the next post where he was stationed, called Little Rock, in the west part of the present Nicollet county, on the Minnesota river. Mooers and his family removed in 1838 from Little Rock to what is now called Grey Cloud island. They were accompanied by Andrew Robertson and family, and also by Joseph R. Brown, who was well known to nearly all the pioneers and traders of those early times. They all came there together on the same day.

Mooers and Robertson took possession of three large bark lodges on the west end of the island, which had been vacated in the preceding autumn by Medicine Bottle's band of Sioux, when they moved across the river to their new village at Pine Bend, in Dakota county. Brown built a log house farther east or down the river. It was while living on this island, from 1838 to 1847, that Andrew Robertson named it Grey Cloud island, after his mother-in-law, Margaret Aird Mooers, whose



name, in its English translation, like that of her mother, was Grey Cloud. Margaret died at Black Dog's village in 1850, and was buried there.

The band of which Medicine Bottle was chief had its origin through the dissatisfaction of some members of the band of Big Thunder and of Little Crow, father of the chief of that name who led the Sioux massacre in 1862. Previous to the treaty of 1837, their village was on the east bank of the Mississippi river about two miles below the present city of St. Paul. After this treaty, by which the Sioux ceded their lands east of the Mississippi, they removed the village to the west bank of the river, where it was known to the early settlers as Kaposia, on the site of South Park, near the South St. Paul stock yards. A few families of that band left the old village on the east side and chose as their leader a noted counselor and medicine man named Waukan-ojan-jan, meaning Spirit Light or Holy Light, as translated into English by his daughter, but called Medicine Bottle by the early fur traders and pioneers.

They went down the river about eight miles and built some large bark and willow lodges on the northwest end of Grey Cloud island, where they lived and had their fields and gardens until the autumn of 1837. Two of their vacated lodges were occupied the next year, as before noted, by Mooers and Robertson with their families, and the third one was used by them as a storehouse. In May, 1839, these men built two log houses, with stone chimneys, near the river, and they farmed a part of the gardens and cornfields formerly cultivated by the Indians. That year they raised potatoes, corn, and garden truck, some of which they sold at Fort Snelling for the use of the officers and troops; and in 1840 they raised some grain on these fields and sold a part of it at the fort. These notes of early farming on Grey Cloud island were told to me by Mrs. Mary Brown, a daughter of Hazen Mooers, wife of John W. Brown, who was a half brother of the distinguished Joseph R. Brown. Their marriage was on this island, on New Year's day in 1846.

In the fall of 1837 or the spring of 1838, Medicine Bottle and his band moved across the Mississippi to the west bank a short distance farther south, at the place called by the early French and Canadian voyageurs Pin de Tour, now known as



Pine Bend. The meaning of both these names is "The bend in the river where the pine trees are." Some of these white pines are still standing there on the side of the bluff, being conspicuously seen from the decks of passing steamboats. A large village of bark and willow houses or lodges was built at this place, and sometimes beside the permanent lodges there were many tepees of poles and skins during the spring and fall hunting seasons.

The situation of this village was a fine one for the Indians. The marshes and heavy timber on the bottomlands around Spring lake and Belanger island, east of them, in what is now Nininger township, were full of small game, such as geese, ducks, muskrats and mink; and on the high land were found the prairie chicken, foxes, partridges and quail, and pigeons by the thousands that sometimes nested and roosted in the heavy timber on Belanger island. The timber consisted of soft maple, cottonwood, elm, hackberry, and ash, most of which was still standing in 1856 when I came to Nininger. The wild pigeons had their roosts and nests on this island in 1859. The last that I saw of their great flocks, which were sometimes one to two miles long, transverse to their course of flight, but usually not more than fifty feet wide, was in the spring and summer of 1871. Flock after flock followed each other, at short intervals, sometimes for several days.

Spring lake, southeast of this village a short distance, was alive with large fish, among which were catfish, buffalo, pike, and pickerel, also sunfish and other small kinds. In the winter of 1856-57 our people went up to the primitive sawmill near the junction of Spring lake and Belanger sloughs, shut down the gates to the flume, and threw out so many of these large fish as to fill half a wagon box.

The land on which this Sioux village stood, together with their gardens and cornfields, was afterward pre-empted by William A. Bissell, the first white settler at Pine Bend, in the present Inver Grove township, Dakota county. The village was near the river under the bluffs, on government lot 10, section 35; and the gardens and cornfields were on the hill, on the south half of the southeast quarter and on the southeast quarter of the southwest quarter of section 34, Inver Grove.

Bissell first visited Medicine Bottle's village in 1849 or 1850; and in 1851 Medicine Bottle allowed him to put up a small log shack under and near the bluff, perhaps a quarter or half a mile north or northwest of their village. He moved his family down from Red Rock with a span of horses and sled, on the ice late in the fall of 1851, and occupied this shack. The family had been living with some of the early settlers and missionaries at Red Rock, among whom were John A. Ford, Mr. Irish, Mr. Holton, and others. In 1852 Bissell built a hewed log house, covering it with shingles split mostly from oak logs; and the same year he raised some potatoes, corn, and garden stuff. He paid for this land August 6, 1855, and his receipt was signed by the government receiver, R. P. Russell, of Minneapolis.

The old Indian trail from Wabasha's village, on the site of Winona, to Little Crow's village, at Kaposia, or a branch of this trail, ran into Medicine Bottle's village and out again through what was afterward known as Bissell's coulie. Also a branch from this trail went to Fort Snelling. Captain John Tapper, the first ferryman at Minneapolis, who died in 1909, told me that he came over this trail in the fall of 1844 from Lake Pepin to Mendota. He said that it was nearly dark when he and his companions arrived at Medicine Bottle's village, and they stayed there all night. The chief entertained them as well as circumstances would permit, and the next morning they followed the trail to Mendota and were ferried across the Minnesota river to Fort Snelling.

In 1853 William Strathern of Rich Valley, Dakota county, and William Senescall, took claims within a mile or two of Bissell. These two men in the spring of that year ploughed a part of the Indian cornfield for Bissell, and he put it into wheat. This wheat was cut with a cradle and threshed with a flail by Walter Strathern, a brother of William, later in the fall or winter. Walter is now living on his original pre-emption claim taken in 1853 at Rich Valley. A part of this wheat was hauled by William Strathern around by the way of St. Paul and Cottage Grove to the grist mill of Lemuel Bolles in Afton, where it was made into flour. William Senescall was

living at Stewart or Glencoe, Minn., a few years ago; he was a member of Company F, Hatch's Battalion.

Medicine Bottle and his band lived at Pine Bend fifteen years, leaving there for the new Sioux Reservation on the upper Minnesota river in the fall of 1852. Both the chief and his wife were true friends and neighbors of the Bissell family, and just before they left for their new home they came to the Bissell home to bid them good-bye. They had their faces painted and ran out of the house, threw themselves on the ground, and carried on their lamentations after the Indian fashion of expressing sorrow at the loss of friends or relatives. They felt very badly on account of having to leave the Bissells and their old home and hunting grounds. Mr. Bissell died at Sauk Center in December, 1871, and was buried there.

The third and last village of Medicine Bottle and his band in Minnesota was one mile west of the government buildings at the Redwood or Lower Sioux Agency. He was accidentally killed near his lodge or house in this village before the outbreak of 1862. Outside of his house he had a scaffold erected for drying corn, and hanging from the rafters was an iron chain with a sharp hook on the lower end. Some of his family were cleaning or cutting up a wild duck, and he was feeding his chickens, when one of them ran off with a piece of the duck. The chief ran to catch it but stumbled, and in falling the sharp hook caught him in the mouth, penetrating his brain. He expired in a few minutes from hemorrhage. He was attended by Dr. Asa W. Daniels, the government physician at the Redwood Agency, now living in Pomona, California, who has supplied this account of his death. Dr. Daniels further writes:

We looked upon Medicine Bottle as a civilized Indian. He lived in a frame house, cultivated a plot of ground, did not believe in conjuration nor practice it, but possessed considerable knowledge in bleeding, cupping, and the hot steam bath, and kept medicinal barks, roots, and herbs, which he used in cases of sickness. He was an Indian of much ability, honest, truthful, and bore the duties of life faithfully, and always gave good advice and worthy example to the others of his people.

Another Sioux whose name in English was Medicine Bottle, also called Grizzly Bear, a nephew of this chief and son of Grey

Iron, took part in the massacre, for which he and the young chief Shakopee, called Little Six, having been captured in 1864, were tried by a military commission at Fort Snelling and were hung there November 11, 1865.

The site of the city of Hastings was earlier called Oliver's Grove, after Lieut. William G. Oliver, who was ascending the Mississippi with one or more keel boats late in the autumn of 1819, but was prevented from going farther by a gorge of ice in the bend of the river opposite to this city. The boat or boats were probably run up to the outlet of Lake Rebecca, to be out of the way of the ice when the river broke up in the spring of 1820. Lieutenant Oliver was on his way from Fort Crawford at Prairie du Chien with supplies for the soldiers at St. Peter's camp, now Fort Snelling, among whom was the first settler of Hastings, Joe Brown, the drummer boy, then about fourteen years of age.

Oliver passed the winter here with some soldiers guarding these supplies. I imagine that he put up a log camp on the bottomland near where his boats were tied, as it was covered with very large elm and maple trees, which with the smaller growth of willows and maples along the riverside would protect the camp from the northwest wind and also furnish plenty of fuel.

When I first saw the bottomlands on the long island adjoining Lake Rebecca, between Nininger and Hastings, they were covered with heavy timber, soft maple, white and black ash, elm, cottonwood, and hackberry; and on the lower end of the island, next to the river for half a mile, was a dense grove of willows and small maples so close together in some places that one could not get through them. I was quite familiar with these woods and also Oliver's Grove when I was young, because my father's stock at Nininger was pastured on these bottoms and I had to drive the cows home at night during the summer months, sometimes finding them as far down the river as Oliver's Grove.

After leaving the army, Joseph R. Brown commenced to trade with the Indians about the year 1826. He had a trading post in 1832 at St. Croix Falls, Wisconsin, which he left

in a boat or canoe on one of the last days of July in that year, coming down the St. Croix to its mouth and thence up the Mississippi to Oliver's Grove. Here he built a one-story log house on what was afterward platted as Lot 1, Block 12, of the original townsite of Hastings, at the southwest corner of Second and Vermillion streets. This house stood in a beautiful grove of white and bur oaks. An extensive belt of oak woods, including white, bur, black, and red oaks, continued thence three miles northwest along the bank of Lake Rebecca and on the second plateau above the river, to the home of my father, James R. Case, in section 18, Nininger. The grove in Hastings extended south as far as to the site of Hon. Albert Schaller's home, on Fifth street, where some of its large trees yet remain.





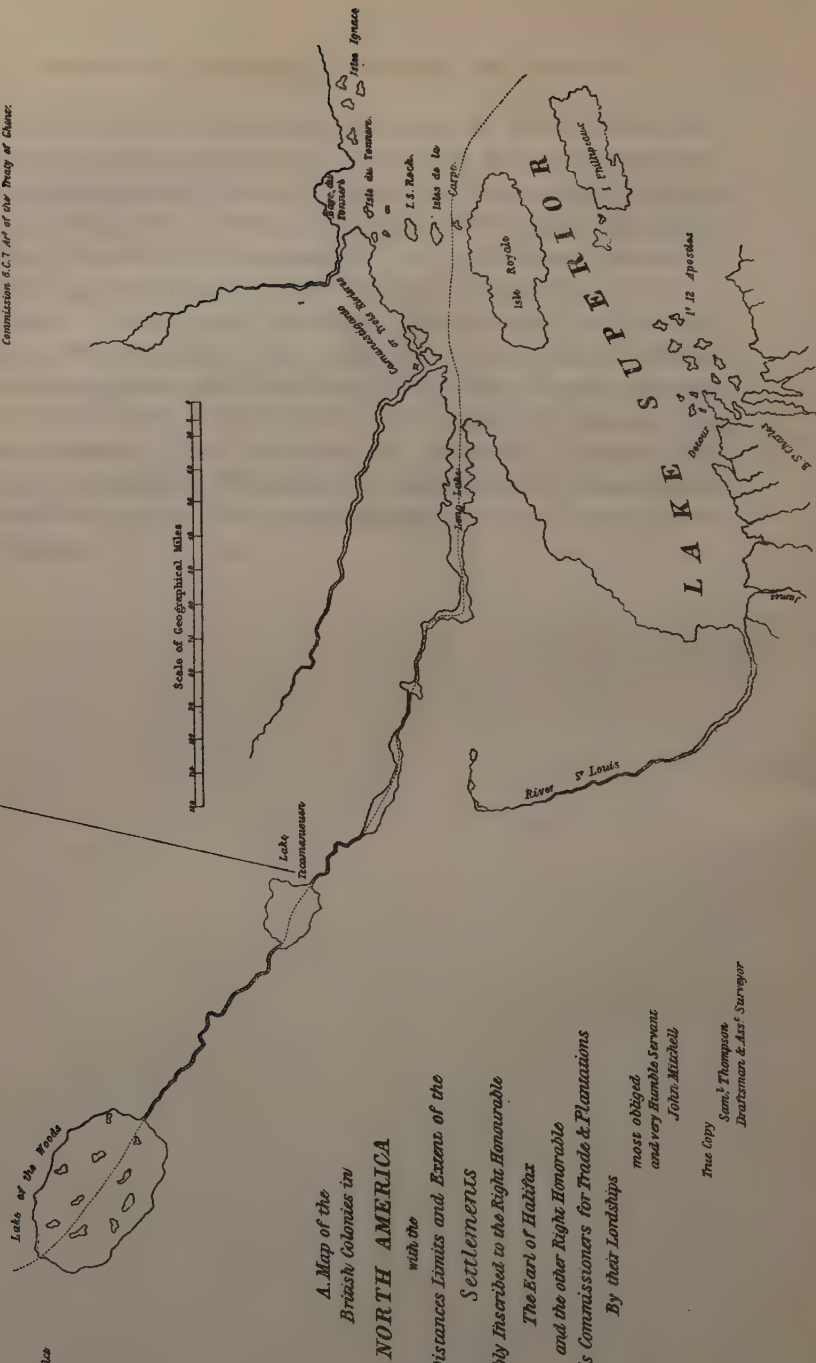
I hereby certify this to be a true Copy as far as the  
extents of the above titled Map.

David Thompson

As<sup>t</sup> G. Surv<sup>r</sup> to the Board of

Commission 5.C.7 Art<sup>r</sup> of the Treaty of Chace.

Dated Platteville Office  
Feb<sup>y</sup> 3<sup>rd</sup> 1755



A Map of the  
British Colonies in  
NORTH AMERICA

with the

Roads Distances Limits and Extent of the

Settlements

Humbly Inscribed to the Right Honourable

The Earl of Halifax

and the other Right Honourable

The Lords Commissioners for Trade and Plantations

By their Lordships

most obliged

and very humble Servant

John Mitchell

True Copy

Sam<sup>l</sup> Thompson

Draftsman & As<sup>t</sup> Surveyor

## NORTHERN MINNESOTA BOUNDARY SURVEYS IN 1822 TO 1826, UNDER THE TREATY OF GHENT.\*

BY HON. WILLIAM E. CULKIN.

At the close of the War of 1812, the treaty of Ghent, signed December 24, 1814, at the Netherland city of that name, settled the terms of peace, but said nothing about the real controversy which precipitated the struggle. The war had been brought about by the conduct of the British in holding up American ships on the high seas and taking from them men whom they claimed as owing service to Great Britain. The war being ended, Britain was ready to give up the practice of search of American ships and seizure of American men, but she was by far too proud to say so. The practice would be abandoned, but Britain would give no promise on compulsion exerted by the colonists, who themselves, in British eyes, were disloyal servants of the crown. The British retained the rights to pretend that the concession of freedom of the sea to the new republic was due to the forbearance and toleration of the mother country, not to valor of the Americans on land and sea.

But there were minor matters of controversy between the countries, and, as a treaty of peace had to be made, it was advisable to adjust these quarrels. One dispute related to the boundary between the American possessions and the remaining British areas on the north. The boundary had been set forth in the treaty of Paris in 1783, but had never been marked on the ground, and the language of the treaty in some instances was indefinite and difficult to determine its intent.

The treaty of Ghent provided for the settlement of the boundary by arbitration. In this discussion we have to do only with the seventh article, which deals with the boundary from the Straits of Mackinaw to the Lake of the Woods and therefore is relevant to Minnesota history. It provided that

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\*Read at the monthly meeting of the Executive Council, September 8, 1913; previously published in the Duluth News Tribune, July 27, 1913.

the two commissioners, one from each side, who were to be appointed to settle the boundary from Lake Erie to the Straits of Mackinaw under other provisions of the treaty, after having finished that work, were

"authorized upon their oaths impartially to fix and determine, according to the true intent of the said treaty of peace of 1783, that part of the boundary between the dominions of the two powers which extends from the water communication between Lake Huron and Lake Superior to the most northwestern point of the Lake of the Woods; to decide to which of the two parties the several islands lying in the lakes, water communications and rivers forming the said boundary do respectively belong, in conformity with the true intent of the said treaty of peace of 1783; and to cause such parts of the said boundary as require it to be surveyed and marked."

We thus see the magnates of the two powers sitting in council among the spires and palaces of ancient Ghent dealing with the boundary of the far-off wilderness, now the home of many.

The American commissioner was Peter B. Porter of Niagara county, New York, himself a borderman, with a just sense of his personal dignity, the importance of his commission, and the future of the country. The British representative on the Lake Superior line was Anthony Barclay of Nova Scotia, who had succeeded John Ogilvy, who had died of fever contracted on the St. Clair flats while working in the open air in the line of duty. Everything indicates that Mr. Barclay, like his co-commissioner, was an extremist on his side. The two commissioners met at Utica, N. Y., on June 18, 1822, and issued orders for a survey of the line between the Sault Ste. Marie and the Lake of the Woods. They did not accompany the surveyors and agents who went into the field.

During the summers of 1822 and 1823 the surveyors went over the ground from the starting point to the Lake of the Woods. Evidently considering the Grand Portage line as the course of the boundary, they surveyed that line only. They reported to the commission at a meeting held at Albany, N. Y., in February, 1824. Everything indicated the acceptance of the Grand Portage route, the present boundary. But a meeting was held at Montreal in October, 1824, and here controversy arose. The British commissioner, Mr. Barclay, ordered

a survey of the route from Lake Superior to Rainy lake and the west by way of the St. Louis river, or, as it was sometimes called, the Fond du Lac river.

Mr. Porter demanded a survey of the route via the Kaministiquia river, which, lying northeast of Pigeon river, was more favorable to the United States.

Under these orders surveys were made, and thus the first survey of the Duluth harbor was made in 1825 by the international surveyors under the British claim that the true boundary was through the main channel of the St. Louis to the Embarrass river, up that stream to the head of canoe navigation, across a portage to the Lesser Vermilion, now the Pike river, down the Pike to Lake Vermilion, across that lake to the Greater Vermilion, and down that river and through the connecting waters to the Lake of the Woods.

The language of the treaty of 1783 describing the boundary through Lake Superior and on to the west is as follows:

"Through Lake Superior northward of the Isles Royale and Phelipeaux, to the Long lake; thence through the middle of the said Long lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof."

This language seems plain enough, but the fact is that when this survey was made no one could find Isle Phelipeaux, and no one could say what body of water it was that Benjamin Franklin and his associates in the treaty of 1783 meant by the words "the Long Lake." There were long lakes in plenty, but which lake and how long? As to Isle Phelipeaux, that, alas, had entirely disappeared. No trace of it could be found. Neither Indian nor trapper could conjecture its whereabouts. Here controversy arose.

The commissioners, their agents, and the surveyors, probably knew from the beginning of the faulty Mitchell map used and followed by the negotiators of 1783; but if they did, they ignored or obscured the fact for diplomatic purposes. Isle Phelipeaux and Long lake were clearly delineated on that map. Long lake was merely a bay at the mouth of Pigeon river, and Isle Phelipeaux a clearly defined island on the map south of



Isle Royale, which, in fact, never existed. But as the line had to pass north of Isle Royale by that map and as it shows Isle Phelipeaux south of Isle Royale, using the Mitchell map, the reference to Isle Phelipeaux became wholly unimportant. But the commissioners did not have the Mitchell map, or they chose to ignore it, in the beginning. Reading the treaty of 1783 with the Mitchell map in hand made it clear where the boundary was to be. We know that toward the end the Mitchell map was before the commissioners.

There was one other circumstance tending to determine the actual course of the boundary, and around this the quarrel raged. The language of the treaty indicated that the line was to follow "the water communication between it [Lake Superior] and the Lake of the Woods." That, of course, could mean nothing else but that the old traveled water and canoe route was intended by these negotiators in 1783 to be the boundary.

Unfortunately, there were at least three water routes leading from Lake Superior to Rainy lake.

One of these, starting near where Fort William now is, followed in general the course of the Kaministiquia river and arrived at length at the Rainy lake, and thence continued down the Rainy river to the Lake of the Woods.

The second route was the old, well known Grand Portage route, which eventually became the boundary, following up the course of the Pigeon river to its source, crossing the height of land to those rivers and lakes which flow into the Rainy lake and river, and continuing thence to the northwest corner of the Lake of the Woods.

Finally, the third route passed through the Duluth harbor, up the St. Louis river, across the height of land into the Pike river, and thence across Vermilion lake to Rainy lake.

There was no dispute as to the boundary from the Lac la Pluie (Rainy lake) to the Lake of the Woods, and in the nature of things there could be none, as the Rainy river was the only possible route westerly in its neighborhood, whereas easterly from where the Rainy river flows from Rainy lake, Lake Superior might be reached at least in the three ways that have been

just described. Here was the crux of the problem, Which water route was the true line?

The American commissioner, Porter, coming from a militant border family of Americans residing near Niagara Falls, seeing that an agreement was not immediately available on the Grand Portage route, declared that he stood for the route by the Kaministiquia. Barclay, the British commissioner, a Canadian, then advanced the extreme claim that the true, ancient traveled route to the north was via the St. Louis river. Each could at least argue that the course claimed by him was a traveled route, although both had to admit that the Pigeon river route was, in recent days at least, of far greater importance than any other.

Let us state the arguments advanced by Mr. Barclay in support of his contention that the true boundary was through the line of the St. Louis river. He advanced five separate reasons. The first was that "the St. Louis river answered the description in the treaty, since after expanding into a lake (St. Louis bay) it discharged itself into the lake [Superior] not by a bay, as did Pigeon river, nor by a narrow stream, as the Kaministiquia, but by a narrow mouth made by two points." It is difficult to see very much in this argument or even to understand it, but Mr. Barclay insisted upon it.

His second reason was that the St. Louis river was an ancient commercial route to the north. This argument could not be denied, but at the same time this qualification was possessed by the Pigeon and the Kaministiquia river routes as well. He correctly argued also that the St. Louis route was more ancient than the Kaministiquia route, but here again the Pigeon river route might claim great antiquity.

The third reason the commissioner offered was that the St. Louis river route was the true one because it was the most easily navigable, being interrupted by the fewest portages. This claim could not be disputed.

Fourth, he argued that the old name of the St. Louis river was the Lake river, meaning the largest tributary of Lake Superior, and that the term "Long lake" was intended to mean Long Lake river or Big Lake river. As a matter of fact

the Ojibway name of the St. Louis river was and now is Big Lake river, Kitchigami-zibi, that is, Lake Superior river.

Fifth, he argued that the language of the treaty implied that the boundary west of Isle Royale should run to the southwest. This inference was insisted upon because the treaty said that the boundary was to run north of Isle Royale, and, said Mr. Barclay, if they intended the boundary to go to a point north of Isle Royale, it would have been easy to say that the boundary should go to that precise point without mentioning Isle Royale. But because the treaty said that the boundary should pass north of Isle Royale, it was argued by him that it was intended after having passed Isle Royale it should go south. It was unnecessary to say that it should go north of Isle Royale if the line had to pass thence north to go to the Kaministiquia or the Pigeon river.

The American commissioner took, of course, precisely opposite grounds, arguing that if the St. Louis river was meant it was ridiculous to go north of Isle Royale merely for the purpose of giving the United States an apparently worthless island. He said that while the St. Louis route was no doubt a commercial route, it was a very obscure one, and that it was the manifest intention of the treaty makers to follow routes which were known at the time when the treaty was made.

In any event, the persistent Barclay had forced a survey of the western end of Lake Superior, the Duluth harbor, the St. Louis river, the Embarrass river, Lake Vermilion, and the waters connecting it on its northern side with the present boundary waters.

It is likely that this survey, the first made of the route described, was the best and most accurate. It was made in the summer of 1825. The surveyors, fully equipped with every instrument known to their science, reached the harbor of Duluth in June. It must have been a considerable party with their assistants, canoe men, ax men, chain bearers, guides, and commissary. The maps which they made, showing their surveys, prove the high character of their work. These excellent surveyors did not appear to be much concerned in the controversy as to the boundary, as their work bears no evidence

whatever of partisanship. Their concern was merely to make a true survey. Barclay's object was to prove that there was a waterway for canoes via the St. Louis to the north.

It is true that this work done by these men was the first scientific survey made in the North Star State. St. Louis county may then claim the honor which arises from the fact that it was within her borders that the first scientific work was done in Minnesota.

The maps showing this survey bear the certificate of the two commissioners and of David Thompson, surveyor, to the effect that they are true maps of the survey made under the seventh article of the treaty of Ghent by order of the commissioners.

They show that at the exit from St. Paul bay to the lake the natural mouth of the river was in a very swampy condition, and this condition covered a large portion of Allouez bay. Almost facing the natural exit, on the opposite shore, is shown the mouth of Left Hand river. This is now known as the Nemadji river. About half way up the bay on the Superior shore is a notation showing the site of the old Northwest Fur Company's factory. There is a small square indicating the site of the building. This is about opposite Oatka beach. Here for a long time the Montreal fur traders had a post, probably dependent on the one at Fond du Lac.

The surveyors numbered the prominent points of land and islands as they appear in their plats from 1 to 53 in the distance from the entrance of the harbor to the place where the Embarrass river flows into the St. Louis. Thence they start again at one, and on reaching Vermilion lake they again fall back to one. These numbers on the plats refer to field notes which are in the archives at Washington and London, which give more specific information of the places referred to. Number 1 on the surveyor's plat is the extreme tip of Minnesota Point. Number 2 is a marshy islet not far from the mouth of the river, where the water flows into the lake from the bay. Numbers 3, 4, 5, 6, 7, and 8, are very small islets in the north part of the bay. All of these appear in the outside harbor not far from Rice's and Connor's Points. They have long



since disappeared, undermined by the floods whose force and direction were changed by the harbor improvements and the digging of the Duluth canal. The point of land in Superior known as Connor's Point is marked Bear's Passage in the survey. It is likely, however, that this name was intended not to be applied to the point, but to the strait between the inner and outer harbor now spanned by the Interstate bridge. The origin of the name can only be conjectured.

The bends in the river, with its numerous islands and bays, from the Interstate bridge to Fond du Lac are shown as in modern maps, although some details are lacking. More swamp is shown in the old survey than in recent ones. Nature was not at that time aided by the huge dredges which have dug hundreds of thousands of tons of rock and dirt from the bottom of the river. Above the upper harbor shown in the map there is a bay marked Pekagumew. On modern maps this appears as Pokegama bay.

Going up the river we come to the trading post marked "American Factory," showing four buildings on the site of the present village of Fond du Lac. The island in the river at that place is well shown. Passing a little above Fond du Lac, we reach the Grand Portage, 11,915 yards in length, a distance of nearly seven miles, over which the travelers were obliged to carry their boats and their goods. The river was not surveyed parallel to the portage trail, but its existence is indicated by dotted lines. At the western end of the long portage the survey of the river is resumed. A short distance from where the Grand Portage reaches the river, another portage is found of 2,029 yards, more than a mile. The canoeing is comparatively good from this place up the St. Louis river to the mouth of the Embarrass river, which on the old map is the "Riviere aux Embaras." The extraordinary convolutions of the St. Louis just west of Forbes station on the line of the Mesaba railroad are perfectly shown on the old map. At this place the river seemed to be undecided whether to go north or south, but it finally decided to cast its lot with Lake Superior. The height of land is reached in the vicinity of the villages of McKinley and Biwabik,



Near the headwaters of the Embarrass river there is a portage of 6,270 yards, about three miles and a half, across the height of land to the lesser Vermilion, now called the Pike river, and with a few portages the route enters Vermilion lake. The waters of the Pike river and of Vermilion lake flow toward the north and eventually reach Hudson bay. The survey of Vermilion lake was conscientiously and carefully made. Every island is delineated and numbered. The indentations of the shore are laid down with care and skill. The course of the old route is farther shown across the lake into the greater Vermilion river, which flows rapidly to the north. No survey since that time was made with greater care or more conscientious fidelity.

This body of men, perhaps fifty in number, including the various laborers, and the agents of the respective governments, with the secretaries, the chainmen, the cooks, and camp servants, must have startled the denizens of the wilderness, human and otherwise. It must have suggested to the Indians what was behind. Up to this time the natives had met the missionary and the trader, the first seeking his salvation and the second seeking his furs; but these two did not greatly interrupt the ordinary current of Indian life. There was a greater menace to the natives' mode of life in the clink of the surveyors' chain than in the exhortations of the missionary or the intrigues of the trader. By this time the redskin had, in a manner, adjusted himself to the views of the man of prayer and the man of trade; but how was he to square himself with this inexorable organization coming up behind?

This party, following this old trail through St. Louis county, startled the deer and the moose, the bear and the beaver, as never before. The waters of the bay and river before that time had been disturbed for a century and a half only by the casual and infrequent trader, and for a short distance by an expedition of American observers in the year 1820. But we may leave this subject as it is. Enough has been shown to justify the statement that northeastern Minnesota, now taking a prominent part and place in every field of modern development, first in many things and second but in few, is enti-

tled to the first place and first mention when the history of Minnesota is finally written. This is the old and not the new part of this state.

The commissioners at their meeting in 1827 had the whole matter on the table and sought to reach an agreement. At this time Mitchell's map was in the hands of Mr. Porter, and he offered to give up his claim to the route of the Kaministiquia river, provided the British commissioner would accept a line in the center of Pigeon river, known as Riviere aux Tourtes, and thence by the ordinary route to Rainy lake. Then the British commissioner offered to surrender his claim to the St. Louis river route, if Mr. Porter would accept a boundary along the course of the Grand Portage, the line to commence thus where the village of Grand Portage now is, about ten miles southwest of the mouth of Pigeon bay. This suggests that Mr. Barclay was seeking to preserve to the British the posts of the Northwestern Fur Company, which would stand on American soil if the center of the Pigeon bay and river was made the boundary.

There was no difference finally between the commissioners, except as to that strip of land between the Pigeon river and the old existing portage route called the "Grand Portage" at that point, an insignificant area. But they could not agree, and they reported their disagreement as to this matter and others to their respective governments. They agreed as to the line west of Rainy lake.

After the report of the commissioners nothing was done for a period of about fifteen years, and the differences were not settled until 1842, when matters were compromised in what is known as the Webster-Ashburton treaty. By that treaty the Pigeon river boundary was settled on, although a right was reserved to the British to use the portages on the American side of the river.

It is a singular fact that the president of the United States, in submitting the Webster-Ashburton treaty to the senate, said that the region between the Pigeon river and the St. Louis river was considered valuable as a mineral region, showing that even in that early day, long before any mineral wealth

was discovered north of Lake Superior, its existence was suspected.

The map by John Mitchell, dated in 1755, forming Plate IX at the beginning of this paper, which makes frequent references to it, was evidently compiled to a great extent from hearsay; but it was used as supposedly the best map then available, for the country north and west of Lake Superior, by the plenipotentiaries who framed the treaty of Paris in 1783 between the United States and Great Britain. It has three radical errors which had an important effect on the settlement of the boundary.

It erroneously indicates that the main thread of the St. Lawrence river system extends up to the Lake of the Woods, and that the waters of the Lake of the Woods flow into Lake Superior. Therefore the treaty makers fixed the boundary at Pigeon river on the theory that the river was the main extension of the St. Lawrence system of waters. The fact is that the Pigeon river extends only about thirty miles from the lake. At that point rises the height of land, and all waters west of it go to the Hudson bay. Had the diplomats not been misled by this map, and had they known the truth, they would have used the St. Louis as the boundary and Duluth would be in Canada.

There is no such lake as the Long lake shown on the map. At the mouth of the Pigeon river there is a bay six or eight miles in length. The delineation and name given by Mitchell were undoubtedly derived from the "Lac Long" on the map drawn by the Assiniboine chief, Ochagach, with others, for Verendrye in 1728, which map aided for a map by Buache, the French geographer, in 1754.

Mitchell's map shows Isle Phelipeaux, but there never was any such island. The nearest land southeast of Isle Royale is the Keweenaw peninsula. Possibly the map maker had heard that the point of the peninsula was cut off from the main land by streams, lakes and marshes, used as a canoe route with portages, in the course of the present canal, so that he intended to show that point as an island.

The fanciful nature of the map is also shown by the Apostle

islands. Mitchell made exactly twelve of them, in order to conform with scripture. There are in fact a larger number of islands in the group.

The map does not show Minnesota Point nor the Duluth harbor. Manifestly it was carelessly made from hearsay, and other maps in existence at the time were overlooked or ignored. This was, however, the official British map. Its errors gave rise to much controversy.

John Mitchell was a botanist and an author of numerous works in the natural and physical sciences and in history. He was born in England, and had his university education there; came over to America about 1700, and lived in Virginia forty-seven years, writing and publishing botanical works; and returned in 1747 or 1748 to England, where in 1755 he published this map of the British colonies in North America. The next year another edition of his map was published in Paris, and a second English edition appeared in 1757, which was reprinted in 1782. There are copies of all these maps in the British Museum Library.

David Thompson, who had charge of the surveys of the St. Louis and Vermilion route, and of the Pigeon river route, which latter was accepted as the international boundary, was born in Westminster, now a part of London, England, in 1770; and died near Montreal, Canada, in 1857. He was in the service of the Hudson Bay Company eight years, 1789-1797, and of the Northwest Fur Company the next eighteen years. He was the earliest professional surveyor and geographer in Minnesota, coming in 1798 from the Red river valley to Red lake, and thence to Turtle lake on the most northern tributary of the Mississippi river, mapping these lakes and streams for their insertion on a large manuscript map of Canada which he prepared for the Northwest Company.

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the Woods: Commission under Article VII of the Treaty of Ghent," pp. 171-195, with the part of Mitchell's map northwest of Lake Superior at page 180; Vol. VI, Maps under Articles VI and VII of the Treaty of Ghent.

Numbers 36 to 39 in this series of maps present the survey of the west end of Lake Superior, the harbor of Duluth and Superior, and the proposed boundary by way of the St. Louis and Embarrass rivers to Vermilion lake; and numbers 40 to 55 are plats of the survey on the route accepted as the international boundary, from Pigeon bay and river to the Lake of the Woods.

Six topographic sheets are added, numbered 56 to 61, which show the land relief or contour of Isle Royale, the contiguous northwest shore of Lake Superior, and the routes surveyed along the Pigeon and Arrow rivers and onward to the east end of Namekan lake, near Rainy lake.

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MINNESOTA HISTORICAL SOCIETY.  
VOL. XV. PLATE X.

## THE SALE OF FORT SNELLING, 1857.\*

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BY WILLIAM WATTS FOLWELL.

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When Major General James Wilkinson, commanding at St. Louis, issued his order of July 30, 1805, to First Lieutenant Zebulon Montgomery Pike, to proceed up the Mississippi river with all possible diligence, he added the postscript, "You will be pleased to obtain permission from the Indians who claim the ground, for the erection of military posts and trading houses at the mouth of the St. Pierre, the falls of St. Anthony, and every other critical place which may fall under your observation."

It was not till the 21st of September that Pike and his detachment made camp on "the northeast point of the big island opposite St. Peter's," which still bears his name. The next day a war party of Sioux, some 150 strong, returning from a futile raid on the Chippewas, arrived in the neighborhood. The leader was Little Crow, grandfather of the chief of the same name who headed the outbreak of 1862. After a council, held on the 23d, a formal treaty drawn by Pike was signed by him and two Sioux chiefs.

This document purported to grant to the United States two tracts of Indian lands, one being "nine miles square at the mouth of the St. Croix," the other being "from below the confluence of the Mississippi and St. Peter's up the Mississippi to include the falls of St. Anthony, extending nine miles on each side of the river." It stipulated that "in consideration of the above grants, the United States shall pay [filled up by the senate with 2,000 dollars]." Pike had previously crossed the hands of the two chiefs, who made their marks, with \$50 apiece. He now distributed presents prized by Indians, to the value of \$200, and concluded the solemnities with a gift of sixty gallons of liquor. The area of the tract thus indefinitely described was over 100,000 acres.

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\*Read at the monthly meeting of the Executive Council, Sept. 9, 1912.

It was doubtless at the instance of the American Fur Company that after 1816 the government was moved to extend its authority to the territory about the upper Mississippi. Early in 1819, John C. Calhoun, who was Secretary of War under Monroe, ordered a detachment of troops to occupy the tract bargained for by Pike. Lieutenant Colonel Henry Leavenworth arrived there with a small command on the 23rd of August. Traces of the cantonment erected can still be found near the southern end of the Chicago, Milwaukee and St. Paul railroad bridge. The government had never paid any part of the unnamed consideration of Pike's treaty, and it was thought proper that payment should precede occupation. Accordingly Major Thomas Forsyth was sent up from St. Louis with \$2,000 worth of presents to be distributed among the Sioux chiefs supposed to have an interest and a right to convey. Major Forsyth joined Colonel Leavenworth at Prairie du Chien and accompanied him up river. On his arrival he held interviews with Wabashaw, Little Crow, and other lower chiefs. To all he made handsome presents of blankets, tobacco, powder, etc. By means of these, and by judicious use of the "milk" he had brought along, he succeeded in obtaining parole quitclaims which were regarded as sufficient to clear the title to the grant. See Forsyth's journal and narrative, published in the third volume of this Society's Historical Collections, pages 139-167.

No action seems to have been taken toward a survey and delimitation of the military reservation of Fort Snelling till about the time of the treaty of 1837. By that time squatters, —ex-soldiers, engagés of the Fur Company, and principally refugees from the Selkirk settlements,—had multiplied. A count made that year gives the number as 150, with 200 horses and cattle. These squatters were cutting the timber and wood, using up the pasturage and meadows needed for the garrison, and, what was the greatest nuisance, some of their number would at times furnish illicit liquor to thirsty soldiers. Upon representation of commandants, the government decided to have them all cleared off the reservation. This could not be done till boundaries were established.

In the fall of 1837 a survey was made under orders of Major Plympton by Lieutenant E. K. Smith. Two years later



this survey was revised by Lieutenant Thompson. The area reserved for military purposes did not, of course, embrace the whole of the Pike concession. The main body lay in the angle of the two rivers with its most northerly point near the mouth of Bassett's creek in Minneapolis. The line did not cross the Mississippi there, but followed that stream down to near Desnoyer's, where it struck eastward and southeastward to the "Seven Corners" in St. Paul, thus enclosing some 4,500 acres east of the Mississippi. There was a still smaller portion south of the Minnesota river. In all there were about 38,000 acres. The reason for that jog in the east line is not hard to guess. This tract of land at the head of navigation of the Mississippi, tri-sected by two rivers, known to be in part, at least, exceedingly fertile, was eagerly coveted by early settlers.

When the territory was created in 1849, it was taken for granted in Minnesota, that, so soon as the expected treaties with the Sioux could be concluded and the Indians removed westward, Fort Snelling would lose its importance as a military post and would be abandoned. When Mr. Sibley went to Washington as a delegate to the 31st Congress, he was expected to secure two things: one, the Sioux treaties; the other, the opening of the Reserve to settlement. Early in the winter of 1850, inquiries from constituents about "reduction," and with them suggestions that "old friends" be favored with prompt information of action to be taken, were frequent. Meanwhile those old friends were not waiting for Congress to act, but were selecting their favorite locations on the Reserve. The whole tract was marked off for claims. "Every inch," writes one, "is taken on both sides of the river." Some citizens "went over and marked their names on trees, and stuck up pieces of board in the sand." Neither of the desired objects was accomplished in 1850. Both, it was believed in Minnesota, would be reached in the next session.

In the session of 1851, Mr. Sibley received numerous reminders of what was expected of him as to the Reserve. Governor Ramsey and others sent a petition asking that 100,000 acres of public lands, including the Fort Snelling reservation, be set apart by Congress for the endowment of a university. The Territorial Legislature on February 19 memorialized Con-

gress to the same effect. Judge B. B. Meeker, of the Territorial Supreme Court, urged Mr. Sibley, in a letter of December 11, 1850, "to be on the lookout" for a certain military man who was endeavoring to have the pre-emption laws extended over the reservation. He would have the tract sold to the highest bidder, and the money appropriated to endow a university. "Could you," writes he, "carry a bill through for that purpose, you would do more for the present and future generations, more for the Territory, and more for yourself politically, than all you have yet done or can do."

Sibley was not indifferent to these suggestions, with which he doubtless sympathized. Early in the session of 1851, he prepared a bill providing for the reduction of the reservation to an area of one mile square, lying in the forks of the two rivers, and for opening the excluded portion to settlement with recognition of pre-emption rights. The bill was introduced into the Senate by Stephen A. Douglas, and passed by a unanimous vote. When it came up in regular course in the House, upon a favorable report of the Committee on Territories, objections were raised. Fort Snelling, it was urged, was one of the most important military stations on the continent. The bill ought not to pass till after the military authorities should be consulted and their favorable judgment had. Mr. Sibley was himself constrained to move a reference to the committee on military affairs. On the last day of the session, that committee made an adverse report, which was agreed to by the House. His enterprising got no sanction for the premature location of claims.

In the following summer, Colonel Francis Lee was called upon for his opinion in regard to reducing the reservation. In his report he protested that one square mile was not to be considered. It was his judgment, however, that the portions east of the Mississippi and south of the Minnesota might be released, and that the north and west boundaries might be drawn in. Congress by an act passed August 26, 1852, adopted this officer's recommendation, and ordered the excluded lands to be surveyed and sold at public auction. Two years ran by while the surveys were going on. The boundaries of the reduced reservation, thus determined, were as follows:

Beginning at the middle of the channel of the Mississippi river below Pike's island; thence ascending along the channel of said river in such a direction as to include all the islands of the river to the mouth of Brown's [now Minnehaha] creek; thence up said creek to Rice lake; thence through the middle of Rice lake to the outlet of Lake Amelia; thence through said outlet and the middle of Lake Amelia, to the outlet of Mother lake; thence through said outlet and the middle of Mother lake, to the outlet of Duck lake; thence through said outlet and the middle of Duck lake, to the southern extremity of Duck lake; thence in a line due south to the middle of the channel of the St. Peter's river; thence down said river so as to include all the islands to the middle of the channel of the Mississippi river; reserving further, for military purposes, a quarter section on the right bank of the St. Peter's river at the present ferry, and also a quarter section on the left bank of the Mississippi river at the present ferry across that stream.

The routine proceedings of the general land office having been completed, the reserve lands east of the Mississippi were offered for sale on the 11th of September, 1854, at the Still-water land office. According to tradition and expectation and the "ethics of the border," the squatters had organized a claim association and appointed Mr. William R. Marshall to do the bidding in a manner to save time and prevent confusion. A sufficient number of the members were present to obviate the approach and interference of undesired competitors. As each parcel of land was offered, a bid of one dollar and a quarter an acre was made, and that was invariably the highest bid. In total, 4,523.47 acres were sold for \$5,654.28.

The claimants on the excluded lands west of the Mississippi had also formed their "Equal Rights and Impartial Claim Protective Association," and had used it effectively to discourage claim jumping by tardy landseekers; but they were not obliged to resort to the same method of acquiring titles as that just described. Through the interposition of Hon. Henry M. Rice, the Minnesota delegate, an act of Congress was secured early in the winter of 1855, extending the right of pre-emption to occupants of this part of the reserve. Under this act, 19,733.87 acres were bought from the government for \$24,668.37, less the costs of survey and sale. On the lands thus disposed of the city of Minneapolis has been mainly built.

A few warrant locations and private entries brought the

entire area of the reductions to 25,184.58 acres, and the total receipts therefor to \$31,643.97.

There remained, after these reductions, the tract in the fork of the rivers and including Fort Snelling, variously estimated to contain seven to eleven thousand acres. It was believed that no long time could elapse before this tract would be offered to settlers. The time and the manner were subjects of interested curiosity.

Among those interested there was no one who had better reason than Mr. Franklin Steele, sutler at the Fort for many years, who had been in the Territory since 1837. He had been a large and skillful operator in lands, lumbering, and merchandising, and had already, as was believed, accumulated a great fortune. By permission of the military authority, he had erected a fine dwelling, a storehouse, and other buildings near the fort. While these improvements gave Mr. Steele technically no pre-emption right, the sentiment of the frontier would have held infamous any competition for the purchase of the quarter section surrounding them. On what ground may have rested the presumption that this residue might be disposed of at private sale, is not known; but Mr. Steele on April 24, 1856, through Delegate Rice, made a proposal to buy the whole tract, estimating its area at 5,000 acres, for \$75,000, cash down. The Hon. Jefferson Davis, secretary of war, on May 6 replied to Mr. Rice, that the reservation was still needed for military purposes, so that Mr. Steele's offer could not be entertained. The quartermaster general, Thomas S. Jesup, had advised the secretary that the offer, though far below the value of the lands, was more than they would bring at a public sale, on account of the banding together of speculators. If sold, he added, 150 acres should be retained.

The authority for a private sale was believed to issue from the act of Congress of March 3, 1819, empowering the secretary of war to sell all such military sites as "may have been found or may become useless for military purposes." A question was raised as to the applicability of this remote statute. The attorney general ruled that its efficacy had been long exhausted. It was thereupon seen to be desirable that there should be new legislation to cover the sale of reservations later



to be found unnecessary. Rice undertook the task, and succeeded in having inserted in the army appropriation bill of March 3, 1857, a brief paragraph extending the provision of 1819 to "all military sites which are or may become useless for military purposes." Very few persons, in Congress or out, could have known the immediate purpose of this unnoticed amendment. It was not long before those who did know, or who presently learned, began a series of exceedingly interesting movements.

Hon. John B. Floyd, former governor of Virginia, had been appointed secretary of war by President Buchanan, soon after his inauguration on March 3. On the 7th of April, Delegate Rice addressed to the new secretary a letter, in which he recommended the sale of the Fort Snelling reservation, except, say, 40 acres for a depot of supplies. He advised a survey into lots not exceeding 160 acres, sale at public auction at or above a minimum price, and that the equities of occupants be respected. Two days previously Mr. Rice had written to Alexander Ramsey from Washington: "I now think I shall get an order issued for sale of the Snelling and Ripley reservations, but this for your ear alone."

Early in April, Dr. Archibald Graham of Lexington, Virginia, visiting in Washington, called on the secretary of war to pay his respects to him as a Virginian. In the conversation, Dr. Graham remarked that he was going to Minnesota to make some investments, and inquired whether the secretary might not have some public business that way which would pay his expenses. That official replied that he had nothing unless it was an agency for selling some old forts, mentioning Fort Snelling. The dutiful citizen had been in Minnesota three years before and had learned something of the value of the Snelling lands and adjacent property. He would consider the matter. The secretary's offer was, however, declined after a few days taken for respectful deliberation. If the purpose of the call was to ascertain the secretary's intentions, that purpose was fulfilled.

John C. Mather, a member of the senate of the state of New York, had seen a copy of the army appropriation bill, and had observed the provision for the sale of some military reser-



vations. By chance the two gentlemen just named met in Brown's Hotel, and fell into conversation about investments in western lands. It would seem that the Virginian made a deep impression on the New York statesman, and a tentative agreement was there made towards an operation in the Snelling reserve.

Mr. Mather of New York had a neighbor, another state senator, Mr. Richard Schell, "a regular speculator," in his own phrase, who had learned from the newspapers that some forts would be sold. Upon the matter being opened to him, he was disposed to invest some of his wife's money, if Mather, whom he trusted absolutely, should assure him that all was right. As the result of a conference between Graham, Mather, and Schell, in New York or Washington, "The New York Company" was formed in April. Toward the end of April, Dr. Graham traveled to Minnesota where he saw Mr. Franklin Steele. On his return his report was so satisfactory that "the combination" decided to proceed.

The Secretary of War evidently considered it his duty to sell the Snelling reservation under the late legislation. In April he gave Major Seth Eastman, U. S. A., verbal instructions to proceed to that post and make a survey of the place. He was instructed to ascertain the area, and to subdivide it into forty-acre lots. He was informed by the secretary that when the survey was completed he would send an agent to sell. This information the major considered as confidential and kept to himself.

Mr. William King Heiskell, a fellow townsman of the secretary, now comes into the play. This gentleman was a farmer, had served in the Virginia legislature, had been a third corporal in the militia and a deputy sheriff. As a hard student of newspapers he professed himself generally well informed. Unable to bestow on this crony a four or five thousand dollar place as desired, the secretary called Mr. Heiskell to Washington, and offered to him the business of selling the Fort Snelling reservation. Although the pay allowed by law was but eight dollars a day and expenses, instead of a five per cent commission, the agency was accepted. On May 25, Mr. Heiskell was duly commissioned, and was entrusted with the delivery to

Major Eastman of a commission to act as his colleague. On the same day he was furnished with the instructions of the department. The commissioners were first to ascertain whether any bona fide settlers had established just claims to any portions of the reserve; next, to sell all the lands embraced, except portions justly claimed by settlers, if any, either at public auction or at private sale, in forty-acre lots, or in whole, according to their best judgment, but in neither case to sell for less than \$7.50 per acre. Further, and as if an afterthought, the commissioners were to examine the fort with reference to military uses, and, if their judgment so dictated, to reserve from sale the existing buildings and surrounding lands not less than forty acres.

On delivering his commission to Mr. Heiskell, the secretary said to him: "Old fellow, I want you to do the best you can for the government. I want that sale to be the best ever made in the United States. Keep your eyes skinned; you are going among a parcel of sharpers and speculators."

While awaiting his commission and instructions in Washington, Mr. Heiskell fell in with Dr. Graham of Virginia, "it might have been upon the streets, in the capitol grounds, or anywhere else." The latter (Graham) testified that he had never seen the commissioner before. Mr. Heiskell, in his testimony, claimed an acquaintance with the medical man of five or six years standing. Whether by accident or arrangement, these two gentlemen were soon traveling together to Saint Paul, where they arrived on the 31st of May.

On the journey the commissioner revealed the general, but not the particular, object of his business, for that he "communicated to nobody." It is an interesting coincidence that Mr. John C. Mather arrived on the same Sunday morning and accompanied Mr. Heiskell to church. This gentleman was not traveling at his own expense. On May 26 the Secretary of War had commissioned him an agent to examine the Fort Ripley reservation near the mouth of the Crow Wing river, with a view to its sale. There is a mystery about this appointment. The appointee, when questioned, less than a year after, could not tell how he happened to be appointed, nor how he learned of his appointment, nor whether he had any interview with the

secretary on the subject. He had not asked for the appointment.

Commissioner Heiskell arrived in Saint Paul on Sunday; Monday was election day; Tuesday he did not find Major Eastman; Wednesday is not accounted for; Thursday he went to Stillwater; and on Friday, the 5th of June, he found Major Eastman at the Fort.

On Saturday the two "got to talking." It did not take them long to agree that the whole reservation ought to be sold, and at private sale; that \$90,000 would be a fair price; and that the refusal ought to be offered to Mr. Franklin Steele. Before noon they made inquiry of Mr. Steele in writing, as to what sum he would be willing to pay for the whole tract, and received the reply that he would be pleased to pay the sum offered by him the year before, \$75,000.

This offer the commissioners promptly declined, and inquired if he would not raise his bid to \$90,000. To this proposition he assented. In the afternoon of the same day a contract was drawn up and signed. The document was drafted by Mr. John C. Mather, who had returned from a rapid journey to Fort Ripley. The draft was not materially modified by the commissioners and the purchaser. It should, however, be related that Mr. Heiskell testified that two or three days were spent by himself in writing out the agreement, and that he had exhausted nearly a quire of paper before getting a draft to suit.

The contract, which is of course of record, was terse and simple. The commissioners, acting on behalf of the United States, sell the tract of land described to Franklin Steele, who binds himself and assigns to pay the sum of \$90,000, one-third on July 10 proximo, and the residue in two annual payments thereafter. A deed will be delivered so soon as the grantee shall have made his first payment, and possession will be given so soon as the government can dispense with the property. Major Eastman not having completed his survey, the area was stated to be "about seven thousand acres."

The commissioners could not have examined the law governing sales of government property, or they would have discovered that they had no right to sell on credit; and it never

occurred to them to exact interest on the deferred payments, nor a mortgage to secure them. The rate on current loans at the time was two and a half per cent a month or more. It was understood that Mr. Steele would waive all claims to pre-emp-tions on his own account, and that he would satisfy other claimants.

On the second of July, Commissioner Heiskell submitted his report to Secretary Floyd, who secured the approval of the President the same day. On that day Hon. Robert Smith, the pioneer concessionary at the Falls, called in person at the War Department to ascertain why no reply had been made to his letter of inquiry about a rumored sale of the Snelling reservation. If it was to be sold, he desired to know when and in what manner. Being informed that the sale had already taken place, he assured the person who so informed him that he must certainly be in error. He and other inquirers had to be content with the courteous regrets of the secretary, that letters he had ordered written had not been received.

Mr. Smith had been in Minnesota in the first half of June, and had inquired of everybody, including the surveyor general, but could not learn that any action had been taken with reference to the sale. Not the slightest reference to the transaction can be found in the Saint Paul newspapers, absorbed as they were in the roaring farce of the constitutional convention,—with possibly a single exception. No military officer at Fort Snelling had been taken into the secret, except Major Eastman, who had his reasons for silence.

Colonel Lorenzo Thomas, senior staff officer on the staff of Lieutenant General Winfield Scott, commanding the army, arrived in Saint Paul on the first day of August to learn that the reservation might have been sold, and, if not, that it would probably soon be sold. Major Eastman so informed him. In a report to his chief, Colonel Thomas ventured to say, "I do not know under what circumstances the post of Fort Snelling was sold, but am perfectly certain that no military man on the spot, at all acquainted with the state of affairs, would have recommended the measure." This report was submitted to the secretary of war on August 28. On the day following that minister put on it an endorsement, not calculated to cheer the



heart of the staff officer or his general. "The dissertation about Fort Snelling," said the secretary, "its sale, and the importance of it for a military depot, is a gratuitous intermeddling in a matter already disposed of by competent authority. When this department is required to report to subordinates under what circumstances the post of Fort Snelling was sold, or any other act was done, the duty shall be performed; but until then a 'military man' will probably understand that a superior in authority is not to be called on for an explanation of any order."

The sale was confirmed on July 2, and the first payment of \$30,000 was made, after some delay, on July 25. That sum was made up of \$10,000 contributed by Mr. Steele, \$13,000 by Mr. Schell, and the remaining \$7,000 by Mr. Mather. Dr. Graham paid in no money, but obligated himself to compensate the company for an undivided third of the purchased property by services as manager at a salary of \$5,000 a year. On July 19 the assistant quartermaster at the Fort turned over the property to Mr. Steele and took his receipt.

The order of the Secretary of War, through the adjutant general's office, dated July 31, excepted the post proper and the buildings required for the use of troops, and directed the maintenance of the military post till further orders. The flag was hauled down and the garrison marched out June 1, 1858.

In the autumn of 1857, Secretary Floyd bethought him of a proceeding which he might properly have instituted before the sale. He appointed a board of military officers, of which General Harney was president, to meet at Fort Snelling, examine the post and all its circumstances, and give their opinion of its abandonment. The report submitted was in such terms as to assure the secretary that he had not erred in confirming the sale. Of this report it was said, by political antagonists, that it conformed to expectations.

The mystery and silence that brooded over the sale of the Snelling Reserve were not to be prolonged indefinitely. On January 4, 1858, the Hon. Robert Smith moved in the House of Representatives for a select committee to investigate the transaction. The committee was appointed, proceeded to their duty, and on April 27 submitted their report. When printed,



together with the findings of the minority, the testimony of witnesses, and documents, it forms an octavo volume of 456 pages. It is H. R. Report No. 351, Thirty-fifth Congress, first session. The expenses for witnesses, fifty in number, were \$14,830.25; and the whole cost of the investigation was placed above \$20,000.

The testimony was conflicting, even bewildering. One group of army officers testified that Fort Snelling was necessary for military purposes, and should have been retained indefinitely; another, that it was either wholly useless, or of so little use that a small remnant would be sufficient. As to the value of the property, opinions were equally diverse. Robert Smith produced a copy of his letter to the Secretary of August 12, 1857, in which he had declared that if the land had been properly sold it would have brought four times the price estimated. Hon. Henry M. Rice, whose experience in handling real estate in the Territory had been extensive, would not have given fifty cents an acre for townsite purposes, if compelled to grade the streets; but for agricultural purposes the land was in his judgment worth three or four dollars an acre. Charles H. Oakes, the Saint Paul banker, laughed at Steele for paying the price he did. Great pains was taken to impress on the committee the fact that had the sale not been made in the manner it was, but at public auction, a combination of buyers would have held the price down to \$1.25 an acre, quoting the example of the previous sales above mentioned. Of this danger it appears that the two commissioners were both in great dread, but each seems to have caught it from the other. On the other hand, it was shown to the committee that when Fort Dearborn, at Chicago, was sold in 1840, after advertisement for sealed bids above a minimum, fifty-two and three-fourths acres had brought \$105,000 and a fraction. One witness swore that a proposition had been made to him to let him have one twenty-seventh interest in the venture for \$25,000. Mr. Steele deposed that he had actually sold that same fractional interest for \$6,666.

The committee recommended the passage of five resolutions, for substance as follows:

1. That the sale of Fort Snelling was without authority of law;

2. That the action of the Secretary of War, in disposing of the post without the knowledge or opinion of any military officer, was a grave fault;
3. That the agents appointed were "unqualified, inexperienced, and incompetent men;"
4. That the management of the sale induced a combination against the government;
5. That John C. Mather, a government employee, violated his duty in participating in the transaction; that Steele, Graham, and Schell were aware of such illegality; and that therefore the sale was and continued to be void.

The recommendation of the minority was to substitute for the resolutions proposed by the committee a single resolution, declaring that the evidence had failed to impeach the fairness of the officers and agents concerned, or to furnish reasons for further action by the House.

The report came up for consideration on June 1. On that day and the next day eighteen elaborate speeches were delivered, which occupy 125 columns of the Congressional Globe, First session, Thirty-fifth Congress. It was a partisan debate. The Republican orators did not conceal their elation over the opportunity of smirching the administration. Democratic members found in the evidence sufficient foundation for extensive and dignified apologies.

A New York representative at length came forward with a proposition of compromise embodied in four resolutions, in brief:

1. That the investigation had disclosed nothing derogatory to the Secretary of War;
2. That the sale, however, was injudiciously made;
3. That the House disapproves of its terms;
4. That the papers be referred to the Secretary of War, for such action as he, with the advice of the attorney general, might deem proper. This proposition pointed of course to an expectation that should the matter be so referred by Congress, the secretary would retain the reservation and adjust the equities of Mr. Steele and his friends.

The whitewashing proposition of the minority was immediately rejected by a vote of yeas 116, nays 86. The compromise resolutions were severally adopted, the test vote being yeas 133, nays 60. On the question to substitute them for the resolutions of the committee, the vote stood yeas 88, nays 108. The resolutions of the committee then coming up, the first, declaring that the sale was unlawful, because Fort Snelling was at the time and ever since necessary for military purposes, was voted down, yeas 81, nays 86. Thereupon a motion to lay the whole matter on the table prevailed, yeas 83, nays-76.

The long sequel must be summarized. In the ambiguous situation in which the matter was left by Congress, Mr. Steele and his friends were unwilling to make the deferred payments and defaulted. In 1860 the Government brought suit, which was continued from term to term, and discontinued in 1865. On the outbreak of the Slaveholders' Rebellion, Fort Snelling was reoccupied as a recruiting and outfitting station, and has ever since been in military use. In 1868 Mr. Steele filed a formal claim against the United States for \$162,000, being the amount of rentals due him, at the rate of \$2,000 a month, from April 23, 1861, and proposed an offset against his dues to the government.

On April 23, 1868, Lieutenant General Grant, in a communication to the adjutant general of the army, expressed his judgment that Fort Snelling "should be held by the United States forever." The sale, he added, to Mr. Franklin Steele was either in fraud or in ignorance of its military importance; but, said he, "Mr. Steele is not in my judgment a party to the fraud." The general's recommendation was to sell the two fractions reserved beyond the rivers for ferry control, and to satisfy Mr. Steele with the proceeds.

On November 10, 1870, a board of officers, appointed by the Secretary of War, recommended that the government transfer to Mr. Steele the main body of the tract, 6,394.80 acres, in satisfaction of his adjusted account, and retain the remaining portion, 1,521.20 acres, as a permanent military reservation. A joint resolution of Congress of May 7, 1871, ratified this settlement.

In a later year the government repurchased a considerable portion of the land alienated to Mr. Steele.

It was not an absurd expectation in 1857 that the Snelling reservation would be abandoned and later disposed of. In 1853 Fort Ridgely had been built, and not long afterward Fort Abercrombie. With sufficient armaments and garrisons they could hold the Sioux in order, and Fort Ripley would protect the agent and traders among the peaceable Chippewas. Fort Snelling had already become nothing more than a place for receiving and forwarding supplies to those advanced posts. No reserve of twelve square miles was needed for this purpose. Forty acres would be quite sufficient. The garrison had been reduced to a mere guard for the quartermaster and his store-houses. The probability therefore that the reserve would be soon in the market was no secret. It was in the minds of many persons operating in northwestern lands. Robert Smith, as indicated above, had his eye on it.

Since the foregoing account was written, a certain letter, found among the papers left by Mr. Franklin Steele, has turned up, which seems to suggest the origin of the particular operation which resulted in the clandestine sale of 1857.

Major Samuel Woods was stationed at various northwestern posts in the late '40's and early '50's. He led the expedition from Fort Snelling to Pembina in the summer of 1849, and was in command of Fort Snelling in 1848 and '49, and again in 1850. He was at Fort Ridgely in 1853. He had a taste for land speculation, and at one time had lands on Grey Cloud island, and at Little Falls; and he also owned lots in Minneapolis and in Traverse des Sioux, which he valued at \$25,000. Writing from San Francisco on the 9th of October, 1857, to Steele, Major Woods used these words, "I think you and Rice ought to have let me in to that Fort Snelling game, as we started the game together."

Mr. Steele of course was in a position to be best informed in regard to the policy of the War Department, and to have the greatest interest in a possible sale of the Reserve. He was within his rights in planning to become a purchaser, and even a preferred purchaser.

Mr. Rice's part may have rested on purely political grounds. He and Steele were of the same party, and at the time were actively co-operating in politics. But it may be remarked



that Rice gave himself an amount of trouble which a mere political friend would hardly have a right to exact. It was Rice who presented Steele's proposition to the War Department in April, 1856, to pay \$15 an acre for the land, with recommendation for its acceptance. It was Rice who secured the adoption of the amendment to the army appropriation bill of March 3, 1857, authorizing the sale of military sites "which might become useless for military purposes." On April 7 he advised the Secretary of War to sell the reservation, except perhaps forty acres for a depot of supplies. About the same time he wrote to Mr. Ramsey, "for his own ear alone," that he expected to get an order issued for the sale of the Fort Snelling and Ripley reservations.

It ought to be added that Delegate Rice was an indefatigable worker for the Territory, and that he laid great numbers of constituents under obligations for services in their behalf. He was in that year an aspirant for the position of United States senator, to which he was elected in December, 1857. Steele expected the second senatorship, and attributed his failure to obtain it to Rice's ineffective support. Rice said afterward that Steele did not fight hard enough.

Major Woods, who had left the country, naturally dropped out of the "game."

From what is now known, a conjectural rationale of the operation may be ventured. The game originated not far from the junction of the Minnesota and Mississippi rivers. The Minnesota delegate undertook to obtain the necessary legislation in Congress, and to use his well-known influence with Southern statesmen in moving the War Department to prompt action. The money to "finance the deal" had to come from the East, since all northwestern funds were already pledged to cover the margins of local speculation. The gentleman from Virginia, Dr. Graham, who had been in Minnesota, undertook the double task of sounding the new secretary of war, and of finding parties who would put up hard money for an operation promising early and satisfactory returns.

There is more reason to believe that Floyd was pleased to accommodate friends in a little deal in a remote region of which he had no knowledge, than that he expected to share in



possible profits. His action bears the appearance of perfunctoriness under direction of some managing agent.

The expectation of all concerned evidently was that the deal would require only a small sum of ready money, that sales of the surveyed property would be promptly made, that the proceeds of these sales would realize enough to pay off the assumed debt, and that the proprietors would then be able to handle the remaining parcels of the land at their comfortable convenience. One such sale was arranged.

It should not be forgotten, finally, that this operation, which seemed gigantic in its day, was engineered in the months when the boom that had prevailed in the Territory for some years was at its highwater mark. Fletcher Williams, in his *History of Saint Paul* (Volume IV, this Society's Historical Collections), says on page 380, "Perhaps in no city in America was the real estate mania, and reckless trading and speculation, so wild and extravagant as in St. Paul." The sale of the reserve was barely consummated before the great financial panic, which fell on the country at large, smote Minnesota with a violence proportioned to the recklessness of speculation which had prevailed here. With no market for real estate, the reserve lots could not be sold, nor even given away. No investors could be found to throw good money after bad, in meeting the deferred payments to the government. The original investors charged off their losses, and a lively chapter in the history of Fort Snelling was closed.

#### NOTES.

For documents relating to Fort Snelling, from the time of Pike's expedition to December, 1868, see House Executive Document No. 9, Fortieth Congress, third session, entitled "Sale of Fort Snelling Reservation," 107 pages, with a map, in No. 1372, Congressional Series.

On June 17, 1857, Commissioner Heiskell wrote to Secretary Floyd: "The best and most respectable persons will unite to prevent the sale over \$1.25 per acre. . . . We consider this the best sale that has ever been made, as may be seen from the records." He refers to a combination of disappointed persons in a scheme of obtaining the property for much less than its value.

The House Committee of Investigation, appointed under the resolution of Hon. Robert Smith, January 4, 1858, were Burnett of Kentucky, Faulkner of Virginia, Morrill of Vermont, Morris of Illinois, and Pettit of Indiana. The report of the committee was signed by Morrill, Morris, and Pettit.

## A RED RIVER TOWNSITE SPECULATION IN 1857.\*

BY DANIEL S. B. JOHNSTON.

From the age of seventeen, in 1849, to my arrival in St. Paul, July 21, 1855, I was a school teacher during winters, and part of the time during summers. My district school pay ran from twelve to sixteen dollars a month and boarding round fare. Naturally, when I got to St. Paul I set about trying to better myself financially, as I owed fifty dollars and had only four cents to pay it with.

A chance was offered me in November, 1856, to become one of a company of five to make townsites along the Red river of the North, with a fifth interest and all expenses paid, if I would help hold the towns by occupation. I thought opportunity had knocked at my door and I said yes, promptly. My journal of this expedition supplies the following narrative.

### THE COMPANY AND THE PLANS AND OUTFIT.

George F. Brott of St. Cloud, E. Demortimer and J. W. Prentiss of St. Paul, and J. C. Moulton and I of St. Anthony, made the company. Brott and Demortimer were the financial backers of the concern, Moulton its travelling superintendent, and Prentiss and I were to be the resident townsite managers. Moulton, Prentiss and I, English Bill, our cook, two guides, and four ox team drivers, were to go on the trip, in total ten men. Two sleds were built for rough usage. One was to be loaded with corn and cob ground feed for our five yoke of oxen. The other sled was to carry provisions for ten men and our garden and farm tools. Six of the ten men were to remain on the Red river during the winter. Our two guides were French and Chippewa half-breeds named Pierre and Charlie Bottineau (pronounced Birchineau). The distance we had to travel was about one hundred and twenty-five miles in a westerly direc-

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\*Read at the monthly meeting of the Executive Council, May 13, 1913.

tion from St. Cloud, Minnesota, to the junction of the Bois des Sioux and Otter Tail rivers where they head the Red river of the North.

Our expedition began on the last day of the year 1856, in one of the severest winters the oldest inhabitants of the Northwest had yet seen. We started at that time because we had heard that other parties were planning to get out ahead of us, and there was no "get left" in any of our party that I had ever heard of.

It was intended at first to make a canoe trip up the Minnesota river and down the Bois des Sioux in October, 1856; but a freeze up somewhere en route was feared, so that it was decided to wait until we could get ready for a winter trip with ox teams, lumber woods fashion.

My outfit garments were three thick woolen shirts, three pairs of heavy woolen drawers, three pairs of woolen stockings with a pair of Indian moccasins drawn over them, and a pair of thick elk skin overshoes laced high on my ankles. Then came a pair of Canada gray trousers and leggings to button down on the overshoes to keep the snow out when we had to break roads. A short coat of Kentucky jeans, and a lamb skin cap, wool inside and made to come down over my neck, with side flaps to tie with strings over my nose to keep it from freezing, and a pair of fur gauntlets, completed my garment outfit. I was not pretty, but even in forty below zero weather I was comfortable. I had no colds, nor did I freeze any part of my body during all the terrible exposure of that terrible winter of 1857.

When we struck unburned prairie, we had to break our roads through snow a foot to eighteen inches deep and often drifted from four to eight feet deep. These drifts were sometimes ten to fifteen rods wide, and all had to be shoveled through, often with temperature ten to thirty degrees below zero. On the burned prairie the snow was usually blown down to a three to four-inch icy crust, which cut the fetlocks of our cattle unmercifully.

#### BEGINNING THE TRAMP.

Wednesday, December 31, 1856, Moulton and Prentiss started from St. Paul with the loaded teams. I followed on

Friday, January 2, 1857, in a blinding snow storm, picking up on my way Pierre Bottineau and his brother from their home in St. Anthony. I had a span of horses and driver and intended to overtake Moulton and the teams about the time they reached St. Cloud. Before we got out of St. Anthony our sleigh tipped over in a snow drift. We righted without breaking anything and went on to Elk River, where we stopped for the night.

The next morning we started for St. Cloud at daylight. It was very cold. As the ox teams had broken the roads in fair shape, we made good time reaching Boyington's tavern, about fifteen miles from St. Cloud, in time for dinner. There we overtook Moulton. I got out and assumed charge of the teams, and Moulton and Prentiss went on with Bottineau and brother to St. Cloud. I got to Colonel Emerson's stopping place opposite lower St. Cloud at half past six, pretty tired, as I had to walk most of the way over not the best of roads. At Emerson's we put up for the night.

Monday, January 5th, we moved up the Mississippi and crossed at the upper ferry, headed by the guides, and started across the prairie in the direction of St. Joe. The guides went ahead on snow shoes. Prentiss and I followed. Between the four of us we made a road that our teams followed with more or less difficulty, for the snow was about eighteen inches deep and what track there had been was drifted full. We made eight miles to St. Joe by night.

The necks of three of our cattle had begun to gall. We changed the bows and wrapped them with soft cloths. The next day we reached Cold Spring, ten miles farther on. The 7th we go to Richardson's, seven miles from Cold Spring. The 8th, which was Thursday, we made only five miles, as we had to cross snow drifts three to four feet deep with not a sign of a road anywhere. Up to this time roofs had sheltered us and our cattle at night. There was only one spare bed in any of the settlers' houses, and usually none at all. Then all of us had to sleep on the floor under a comforter about fifteen feet long, eight feet wide, and three inches thick, quilted with cotton batting and made specially for the trip.

Friday, the 9th of January, we started at daylight, again a very hard day. On the unburned prairie snow drifts were

crossed, which the guides on their snow shoes beat down for the teams the best they could. Progress was slow, but we made ten miles and camped under our tent for the first time, with our feet to a rousing hot wood fire. We slept comfortably and soundly.

Saturday, the 10th, we crossed a grassy lake near which we had camped the night before. It was very bad getting on and off the lake. We teamed only about seven miles that day, and camped on the shore of a beautiful lake that Bottineau called Lake Henry.

The 11th was Sunday, and, tired out, we rested. A Dutchman had built a house about half a mile away from our camp. It was about a third of the way to our destination from the Mississippi, and the last house between us and the Pacific coast, so far as we knew.

Just after we had breakfasted, a boy about twelve years old sauntered up opposite our fire to investigate. I was sitting on our bedding next to Pierre Bottineau, our main guide. "See me scare that boy," said he in a low voice. Suddenly grabbing his hunting knife in his right hand and letting out a wild Indian yell that made the woods ring, he went over the top of the log fire after the boy. Didn't that boy run? Well, he did.

Our preparations for camping consisted in finding timber and water. The lakes and ponds were only five to ten miles apart and usually wooded on one side or two sides, so this was not a difficult thing to do. For our bedding we usually found swamp reeds or prairie grass. On this we spread our unlined buffalo skin overcoats and waterproofs. Over us we had our comforter of wool, padded with cotton batting, about three inches thick and firmly quilted. This covered ten men and was about fifteen feet long, as I have stated. We slept with all our clothes on, and there was no chance to change or wash any of them short of the end of our journey. We slept spoon fashion, and when one wanted to turn the rest of us had to turn also. Sometimes my hips got pretty cold on the frozen ground when the under-bedding happened to be thin.

Monday, the 12th, we found trouble again from the galled shoulders of our cattle. This time we changed the off ox to



the near side and wrapped the bows with more soft cloth. On this day we crossed elk tracks. The guides went after them, but unsuccessfully.

From the 12th to the 23rd the days were much alike in travel experiences. There was heavy pulling for the cattle and shoveling across strips of unburned prairie for us, and considerable flinching of our cattle as the icy crusts cut their ankles where fires of the summer and fall had burned the prairie grass. Brilliant sun dogs predicted stormy weather.

#### WOUNDING TWO BUFFALOES, AND SNOWED UNDER.

On Friday, the 23rd, we crossed the last of a chain of lakes near their head. They were about three miles long. As our teams were crossing we saw two buffaloes feeding on the swamp grass, about two miles away. We stopped the teams and sent them off under Prentiss to a patch of woods bordering the lake, to find a camping place. The guides, followed by Moulton, English Bill (our cook), and myself, started to circle around the meadow where the buffaloes had been feeding. About two miles farther away we found where the animals, evidently frightened, had gone out to the prairie on the jump. The guides took the pony and started on the trail, and the rest of us returned to camp, and none too soon.

A lively blizzard was sweeping down. All hands cut and dragged the driest wood we could find while the snow drove in great blanket sheets fiercely upon us. Gradually it put out our fire, and wet and exhausted, our tent blown down, we were doubtful what to do. At this juncture the guides returned. "Spread out the bed and get into it as quick as you can," shouted Pierre, and we obeyed. It seemed to me there was an inch of drifted snow on the buffalo skins when we got in and covered up head and ears. How the wind howled through the creaking tree tops overhead, and how we shivered in our wet clothing! It was pretty cold for a while, but gradually we steamed up and went to sleep. Through the night the wind drifted from four to six inches of snow upon us. Pierre said that the snow, covering us as it did, probably kept us from freezing to death, as the wind changed in the night and the air became intensely cold.

Pierre waked me about three in the morning, trying to start up the fire from a few coals that were still alive under the logs of the afternoon fire. He was singing in Chippewa. I pulled the bed clothes down a little and a chunk of snow rolled in, nearly as big as my head. I asked Bottineau to turn his Chippewa jargon into English, and he said it was to give us encouragement. Crawling out of that steaming bed into down below zero air, to try to dry our wet clothes, as we had to do that morning, certainly needed encouragement. The guides had overtaken the two buffaloes and put four shot-gun bullets into them. They evidently were severely wounded, but had to be left because of the rapidly approaching blizzard. Our cattle and pony, partially sheltered from the wind, among the trees and back of broken bluffs, were less exposed than we were and fared comfortably well.

As our guides predicted another storm, we moved our camp to a less exposed place near our cattle, and laid over on Saturday, the 24th. When the sun arose, a brilliant sun dog appeared on each side of it, and a bright crescent swung down above it. It was a beautiful sight but portentous. Hardly had we got settled when the storm burst again with renewed fury. We could not see, even hazily, ten rods before us in any direction. Toward evening the wind slackened, and we dug our bed clothes out of the snow and dried them before the fire the best we could in preparation for a night of doubt. We slept safe and warm, however.

Sunday, the 25th, dawned clear but intensely cold. Usually we did not travel on Sunday, but today, in this time of sudden storms, we felt called to push on. Our cattle also were growing weak, and the ankles of some of them were swelled as large as tea kettles, having been cut by sharp snow crusts and inflamed by freezing. They stained the snow with gushing blood at nearly every step they took. Besides, we were some thirty-five miles from our destination on the Red river, and there was only one reliable patch of timber on the way. This was at Lightning lake. We were ten miles distant from that lake, and we did not know what deep drifts of snow might obstruct our way. A few small groups of poplar trees, two or three inches

in diameter, were strung far apart along the Otter Tail river, but they were miles from the route we were to follow on our way to the Red river. The guides said our safety lay in pushing on as fast and direct as we were able. After we had gone about five miles, Moulton and Charlie Bottineau concluded to go after the wounded buffalo. About that time one of our oxen fell, and it seemed as if we could not get the discouraged animal on his feet again. We still had five miles to go to reach the woods of Lightning lake, and night was near. We finally got through, however, and selected a place for our camp on the south side of the lake under a high bluff. Moulton and Charlie returned without seeing the buffalo.

The wind changed during the night, and on Monday it began to blow again. Pierre, our head guide, vetoed all attempts of our anxious men to make a start across that treeless twenty-five mile prairie to the Bois des Sioux river.

Tuesday, the 27th, started in clear and cold. The Leaf mountains on our right, twenty to thirty miles away, and the Coteau des Prairies ahead and toward the left, about sixty miles distant, loomed white and cold in the bracing morning air. According to Bottineau, Lightning lake took its name from a man in a former expedition being struck by lightning and killed, a few rods back of where we camped.

#### KILLING MY FIRST BUFFALO.

Shortly after we started, we saw two buffalo off to the left. Pierre and Moulton started after them. Charlie and I went on ahead of our teams. We were soon met by Pierre with the information that one of the animals that he and Charlie had wounded was near. Charlie and I started on a trot in the direction Pierre pointed. The snow was more than a foot deep, with a crust on top, through which we broke about every fifth step. In that way we ran over a mile. On reaching his trail we followed it in nearly the direction the teams were pointing.

At the last bench of land before coming to the wide level prairie east of the Bois des Sioux river, we crawled carefully up to the summit of the bench. About forty rods away we saw the buffalo lying in the snow. He saw us as soon as we

saw him. I said to Charlie, "We must run him down," and we started as fast as we could in the pursuit. The buffalo dragged himself on three legs about twenty rods farther, and then gave up. Charlie reached him first and emptied both barrels of his gun into him without bringing him down. I had a breech-loading Sharp's rifle, with caps on a tape which ran out one at a time as I cocked the gun. Nearly breathless from wallowing through the snow, I reached the buffalo just as Charlie fired his second shot. My first shot went wild, but I had a cartridge in before Charlie could get a ball down one barrel. We tried to get around to his side, but snorting, with his bead-like eyes glowing like coals of fire through the shaggy hair of his forehead, the buffalo swung on his crippled hips and faced me. I told Charlie to attract his attention in front and keep on loading his gun. I stepped around to his left side and put a bullet in his heart, which killed him.

Hearing the sound of our firing, Moulton soon brought the teams around, and we were all highly pleased that we would not have to eat pork for supper. Unhitching our teams, we fed them from our rapidly diminishing store of cattle feed. Then kindling a fire with the dry poplar poles that we had loaded on our sleds at Lightning lake for that purpose, we cooked our first meal of buffalo meat, which, with our starved cattle, was soon to be our only food until new supplies could be sent to us from St. Paul.

#### AN ALL NIGHT DRIVE.

As there was no sheltered place to camp and Pierre was anxious to get ahead for fear of another snow storm, we decided to keep going through the night. The guides traveled by the North star, and when that was clouded over by the below zero fog that swept over us every few minutes, we had to stop and wait for the air to clear. As soon as our cattle stopped, the drivers dropped on the snow and into a sleepy drowse from which we had to arouse them in some cases by a vigorous shake. It was easy to freeze to death in the temperature of that night. Fortunately nearly all the prairie had been burned over, else probably our cattle would not have lasted



through. As it was, they staggered as they slowly walked. Constantly in fear of the wind rising on that twenty-five mile prairie in the moonless night of the 27th and sunless day of the 28th until four in the afternoon, while I followed our staggering men and cattle, it was anything but a play spell.

Soon after leaving the place where we killed the buffalo, we found a huge drift where we had to shovel our way nearly thirty rods. It was a slow, hard job, but we finally got the teams through. It delayed us so much that by daylight fully twelve miles of the twenty-five remained to be crossed. During the day and night of the 27th we had traveled only about thirteen miles. About daylight of the 28th our teams refused to go any farther. I had wet my feet running down the buffalo, and though I kicked and threshed the best I could, they were now nearly frozen. We stopped and kindled a fire with our dry poplar poles, and I changed my stockings for dry ones. After feeding our teams and eating a hasty breakfast, we went slowly on again toward a patch of timber about four miles up the Bois des Sioux river. There was only one place on the 28th where we had to shovel the road and that we soon got over. When we reached the Bois des Sioux late in the afternoon, we were about as happy a bunch of men as you often see.

#### A BUFFALO HERD ON THE BRECKENRIDGE TOWNSITE.

Thursday the 29th we started for the junction of the Bois des Sioux and Otter Tail rivers, where we were to make our first town, called Breckenridge. The guides and Moulton and I went ahead of the teams that were coming down along the right bank of the river under Prentiss. Near the junction of the two rivers to form the Red river of the North we saw fresh buffalo tracks. We followed them to the mouth of the Bois des Sioux, when the guides left us with instructions to keep down by the river out of sight and to keep quiet while they went after the buffalo, which evidently were quite numerous. In about an hour we went down the bed of the Red river about a half mile to where the banks were high. Climbing to the top, we saw a herd of fully eighty buffalo basking on the prairie east of the river and the guides crawling through the snow to



get up to them. They were in a bend of the Otter Tail and only about eighty rods from the Red river.

Moulton and I at once started up the river on the run wallowing through four foot drifts to stop the teams, which were not more than three quarters of a mile away and in a direct line with the buffalo. I led the teams down out of sight toward a point of timber opposite where the city of Wahpeton now stands. Here we prepared to camp with as little noise as possible.

The guides crawled through the snow which was about eighteen inches deep, breaking the crust from underneath. The animals had their heads down below the surface of the snow, where they had pawed it away to get at the dry grass. The bulls fed outside and the cows and calves in the center, so as to be protected from the wolves which hovered around the herd. When all was quiet the guides would crawl up to the cordon of bulls. As they slowly approached, the bulls would come up, smell their wolf-skin caps and snort a little. The guides would lie perfectly quiet. The bulls, evidently believing the caps were dead wolves, would go on pawing and feeding. As the guides got up near a cow or calf they would fire and drop their guns in the snow and hold their wolf-skin gauntlets over the gun locks to keep them dry. The startled buffalo would jump away a few rods and turn around to see what had made the noise. Seeing nothing moving but themselves, they would paw the snow and go to eating again. In this way they killed a cow and two calves, and wounded two cows that they could not get, owing to the approach of night. They then tied a red handkerchief to a ramrod and stuck the rod in the snow to keep the wolves away, and left the carcasses to freeze.

On Friday the 30th, Moulton and I tried to survey some of the townsite, but the wind blew so hard that we could not straighten our tape line chain, and we had to abandon the effort. A double team started under the lead of Prentiss and Charlie Bottineau to bring in the dead buffalo. It was a very severe day, and when night came the teams had not returned. We in camp became very uneasy. As it began to grow dark some one shouted "Whoa!" down on the river. Pierre sprang

to his feet with the exclamation, "They've come! O, God, I'm so glad!" Soon Prentiss came into camp nearly exhausted and called for hot tea. He emptied cup after cup in quick succession until he got warm. They had been compelled to abandon one of our best oxen about four miles up the Otter Tail, and had lost their way and wandered fully eight miles without finding the dead buffalo. A terrible night of storm followed, which we were long to remember.

Saturday the 31st opened clear and cold. We had been twenty-nine days traveling to the town we were to make at the head of the Red river of the North, and in many ways had gained a memorable experience. But we were after money, and the glamour of the "million in it" brightened all the difficult ways we had come since leaving St. Paul.

#### SURVEYING THIS TOWNSITE AND KILLING ANOTHER BUFFALO.

The morning of the 31st, Pierre Bottineau started with the teams to see if he could find the dead buffalo, while Moulton and I began to survey the Breckenridge townsite. As we had only a hand compass and an ordinary tape line, and a very crooked stream to meander, it was slow work. All we expected to do, however, was to block out the site and leave the filling in to be done in St. Paul. We were not very particular as to the absolute accuracy of such doings in those days. About four o'clock in the afternoon we had the main lines completed.

We climbed the river bank to return to the camp, when we saw the team halted, that Pierre had taken out in the morning. Hastening up to solve the trouble, we heard the report of two guns in quick succession on the low ground bordering the river. Then a huge buffalo bull, weighing probably a ton, lurched into sight through the snow at the base of a sharp rise from a marsh fronting me. I was alone, having got some distance ahead of Moulton. When I saw the bull he was about thirty rods away, coming directly toward me and rounding the inner edge of the deep drifted bluff that evidently he could not break through. On the river side of the marsh the guides ran back and forth to keep him from crossing. As the buffalo passed them they would pump balls into him from their double-barrelled shot

guns. Seeing me on the bank, the bull turned and raced back in front of the guides. Four bullets again struck him. He then made three convulsive leaps forward, the last clearing fully fifteen feet. Then his legs sprawled out and he went down and soon was dead.

The team, having on the sled the cow and two calves and part of the ox (evidently he had died shortly after Charlie left him the evening before), went on to camp, headed by Pierre, while Moulton and I helped Charlie dress the buffalo just killed. It was near sundown and too late for the teams to return, so Charlie fixed his red handkerchief in a split stick and stuck it in the snow by the carcass to keep the wolves away, and we walked up the river bank to the camp at the mouth of the Bois des Sioux, which we reached about dusk.

The next day was Sunday, February 1st. We hauled in the buffalo body and spent the rest of the day writing to friends at home, for Moulton and the guides and Billy, their cook, were to return soon to St. Paul. Having now about a ton of buffalo meat on hand, we packed it in ice the best we could, and felt that we were safe from starvation until supplies could reach us in the spring, unless a warm spell should set in early in the spring, a thing that exactly did happen.

Moulton had brought a tough, wiry Indian pony through to the Bois des Sioux, to draw back the necessary supplies for himself and our guides. The guides and Barrett, one of the teamsters, had been rigging a jumper and had it nearly completed ready to load on Monday, the 2nd. Moulton and I had completed the townsite survey, and all was ready except the harness for the pony, to be made of raw buffalo hide. It consisted of a front shoulder piece, and two hide traces all in one strip and held in place by an equally broad back band. Meantime two of our men had been felling trees to enclose a yard for our cattle.

#### MOULTON RETURNS TO ST. PAUL.

February 3rd, Moulton and the two guides and the cook left the Red river camp to return to St. Paul, expecting to reach our Bois des Sioux camp about four miles up the river about dark. From there they were to take the first good chance to

cross the twenty-five mile wide prairie to Lightning lake in daylight and before storms would rise again.

Wednesday, February 4th, all went to work at the mouth of the Bois des Sioux cutting logs for our shanty, as we had only a tent for shelter.

#### MEN ON SHORT RATIONS AND CATTLE STARVING.

We started from St. Paul with only a barrel of flour, and as we gave Moulton part of that, there was but little left. Nothing could be done but to take the remainder of the corn and cob meal away from the cattle and put them on elm tree browse, using the meal for ourselves. It was tough business for both sides, but there was no other way. There was only a little more than a two bushel and a half bagful of it left. This we divided on the second of February in daily portions to last till April 1st, the date we expected Moulton back with supplies for our relief.

The division gave, for each of the six men who remained, enough of this coarse mixture, when wet in water and baked in our old-fashioned tin oven before the fire, to supply a cake roughly measuring six inches in length, three inches in width, and a half an inch in thickness, at night and morning. At noon we had buffalo meat chopped up, and a slice of pork cut from about fifty pounds that was left of a 150-pound hog we started with from St. Paul. This was boiled into a soft, thick concoction that Bottineau called "boo-yeh." We also had about a peck of beans left. On such living bowel trouble soon started. I was the first victim. We had a case of drug remedies, and by their aid we kept ourselves fairly well patched up during the remainder of the winter.

Soon our cattle began to weaken. Our second ox was found in a few days unable to get on his feet. We shot him, buried his quarters in snow and ice, and hauled the body a few rods away from the stable and left it for the wolves to quarrel over. The stable we fastened tight at night, and we soon became used to the howls and fighting yelps and snarls of these animal devils of the woods and prairies.

On Thursday, the 19th of February, we finished mud-chinking between the logs of the shanty we had built, and moved



into it from the tent that for six weeks had been our home. Our bed was made of poplar poles covered with willows and weeds. On this foundation we spread out buffalo skins and waterproofs and the few blankets we had. Our thickly padded bed comforter covered us. We still slept with all our day clothes on. At first we had neither door nor window. We used our tent over these openings to block out the cold the best we could. We had a rip saw, and with that we soon made rough basswood boards for door and window casings, and with cracks battened got along quite comfortably. The roof was made of 20-inch shake shingles, split from sawed-off oak logs.

On Wednesday morning, the 25th, a third ox could not get up and Prentiss shot him. We saved the quarters and hauled the body out to the wolves. That night a strong southeast wind drove snow an inch deep upon our bed clothes. All hands turned out in the morning and calked the cracks of the roof with dry grass that we found under the snow out on the prairie. At the time we built our shanty house the point where the Otter Tail river joins the Red was covered west of the bluff with a thick growth of elm, oak, and basswood trees. We built our house at the north end of this grove, and the stable for our cattle on the fifteen-foot rise a few rods off and nearly fronting the house, which faced the bluff. South of the house, near the point, was where we cut down trees for a cattle fence and where our cattle were herded, except in extreme dry weather and cold nights, and also where we fed them their meals of elm browse.

On Wednesday, March 4th, we divided what salt we had left, confining us to about a pint a week until April 1st. On the 6th we divided our beans, limiting us to less than a quart a week for the same time. We tried to help out our food supply by shooting prairie chickens and rabbits in the patches of wood along the river, but the weather was so severe and the snow so deep that we were not very successful.

#### A MARCH FLOOD.

Sunday, March 15th, the weather suddenly turned warm, and the snow began to melt. No effective work could be done by any of us on account of bowel trouble. Tuesday, the 17th,



we had to kill another of our cattle, very poor; the only parts worth saving were the hams, heart and tongue. As the buffalo cow had thawed we skinned her and found the flesh spoiled, so we dragged her down on the ice for the wolves to eat. Our meat supply was now nearly gone, only the hams of one ox and half of a buffalo calf remained. On Saturday we divided the last of our corn and cob meal. Some discouragement prevailed as the snow melted and the river rose above its banks during this unseasonably warm spell, and the worst of it was that we feared its effect on the supply teams then on the way to relieve us. That we had reason to fear was fully known later.

On the morning of Friday, April 3rd, the water from the river began to come into the house, the level of the house foundation being only about four feet above the summer stage of water in the river. The only thing to do was to pile our things on the bed and let it come. It rose about eight inches more and then came to a stand.

Our fire place was built under the ridgepole of the house, and was well mudded with clay about eighteen inches above the earth floor. The smoke went through the roof. The fireplace was built of logs and was about four feet square. We had received fair warning of what was to come later on, so we began to build a temporary shed, about twelve feet square, farther back where the ground was some fifteen feet higher. In our feeble condition this was slow work. Though the air had turned cold, the water rose more than a foot higher in the house that afternoon. We cut and dragged in elm logs and built up the floor and fire bed so that our feet and fire would be above water. Then we went to bed with our bed poles only about a foot above the flood.

Sunday, the 5th, was clear and intensely cold. Ice had frozen during the night thick enough to bear an ox. There was no chance to rest that day, for the weather might turn warmer on short notice. So we cut and backed logs up the fifteen foot bank through water knee deep, the remainder of our oxen being so weak we could not use them. Six of the oxen had died, and we had eaten all that was eatable of three of them, and God only knew when Moulton could come to our relief.

Thursday, April 9th, I shot a large otter in the last bend the Otter Tail river makes before uniting with the Bois des Sioux to form the Red river. I skinned the otter, and stuffed the skin; then, in order to promote variety in our cooking, we set Prentiss at work roasting it without parboiling, which we should have done. As our salt was gone, there was no seasoning to temper the intense oily, fishy condition of the meat. We thought it would taste better cold, so we laid it by for breakfast on the 10th, but the taste was so strong that we had to throw it out for the wolves to eat.

Ed Dunn, one of our men, started for St. Paul afoot and alone on the morning of the 10th, with eight days' supply of meat from our cattle that had starved to death. We could not spare him either a gun or an axe. All the weapon we could let him have was a butcher knife, and the only covering a heavy Mackinaw blanket. Months afterwards we heard he had got off the road going toward St. Cloud, and wandered away westward across the prairie that Bottineau was so careful to shun through fear of storms. He reached a settler's house on the Minnesota river at last, with both feet frozen so badly that his toes had to be amputated. He said, before starting, that we were all bound to die anyway, and he preferred to make at least one desperate struggle for his life.

#### APRIL, BLIZZARDS.

Sunday, the 12th of April, our beds were drifted over with fine snow that had sifted through the roof in a blizzard during the night. The storm was even worse than the one which snowed us under at Lightning lake. It brought a hard outlook for Ed Dunn, we thought, unless he could have reached a patch of timber somewhere.

After Dunn left us on the 10th, we poured water into our molasses keg, shook it up, and afterward doled it out carefully until the 14th, when we saw the last of it. Sweets and salt were now gone for good. There was nothing to keep the four of our remaining cattle alive but elm buds, and nothing for us but the quarters of three of our starved cattle, for our buffalo meat was gone. Then the sky promised still another snow storm. It came, and Tuesday the 14th was another terrible

day. Where was Moulton and his relief teams? They ought to have been through to us by April 1st. We feared something had happened. As subsequent events proved, something had happened.

Wednesday the 15th was intensely cold for April, with cloudless sky and freezing fast all day. Ice that opened on the river during the thaw, now closed so as to bear loaded teams. Only two places where the water ran rapidly were now open, and they were closing. We felt much regret for loss of our thermometer. Crows for several days had become very tame. We could get within four or five rods of them before they would fly. The cold continued on the 16th and 17th.

#### A TRYING RELIEF EXPERIENCE.

On the 17th of April Moulton came through to us with three men, and told of a hard time trying to come to our relief. The party bringing supplies started from St. Paul on the 9th of March. The warm wave struck them on the 15th of March. They kept on over the fast melting snow until they reached Lake Pomme de Terre, and then, thoroughly frightened, several of the men threw off their loads and turned back, despite all Moulton could say or do. At once Moulton and three of his men loaded their packs with biscuits and started for us, though we were fifty miles distant and the prairies were swimming with water.

They finally came to the swamps at the head of Mustinka river, some fifteen miles from us, and found them deep under water. They waded in snow and slush nearly an hour until, hip deep, and no hope ahead, and night coming on, they had to retreat. Chilled to the bone, they made their way back to a small patch of woods, built a fire, dried their wet clothes as best they could, and went back to Lake Pomme de Terre, put up a shelter shanty, and two weeks later they crossed those swamps to us on the ice. I got half a biscuit from what they had left when they reached us.

The men of those days were here mainly for what they could make, and were willing to take chances to get what they were after. We, of this Red river venture, were built that way.

We thought we saw Opportunity at the door, we locked arms with her, but found on this trip that it was not Opportunity at all.

#### TWO OTHER TOWNSITES BELOW BRECKENRIDGE.

On the morning of April the 19th, Moulton and his men and I started down the river to make more towns, our only dependence for food being our guns and a seven and a half pound can of meat biscuit. This meat biscuit was made of beef boiled soft and the fat poured over it while hot, the whole being powdered when cold. It made a nourishing soup.

Our first stopping place was to be Graham's Point, near where Fort Abercrombie was afterward built, about twelve miles below Breckenridge. Here the first town below Breckenridge was to be started. English Billy, our cook, who was one of Moulton's men, and I, were to hold it, our only dependence for food being our guns and the fish in the river, with no salt.

Prentiss, Barrett, teamster Bill, and Bob, were to remain in Breckenridge to hold that site. Mark Leadbeater and John Hunt were to go downstream with Moulton to start a third town at the mouth of the Sheyenne river, where we hoped the Northern Pacific railroad would cross the Red river into Dakota.

As there were no more provisions at Breckenridge, the last ox of our faithful ten had to be killed on the morning of the 20th, about the time we were eating our meal of meat biscuit soup at Graham's Point. After that meal I was to go out on the prairie to see if I could find game. Moulton and his two men went on down the river with their guns and what was left of the meat biscuit, and he promised to keep out of sight on the river ice while I hunted for something for Billy and me to eat.

Walking up the bank from the lower level where we had put up our tent, I saw what looked like four buffaloes feeding on bare spots of the prairie about three miles away and something like a mile from the river. I began to stalk them, as we say in hunting parlance. Soon they swung around and fed on the bare places toward the head of what used to be called Whiskey creek. I followed them as carefully as I could until



I came within about a mile of them, when they moved to a lower level out of sight. I then started on a trot and had come considerably nearer to where they went out of sight, when they slowly went up the bank where the drifted snow was lightest, and disappeared. I took their trail up to the foot of a rise which was about fifteen feet high. All was silent as a graveyard. I began to climb, half expecting to sight the buffaloes a mile away. As I poked my black sheep-skin cap above the rise I saw four bulls, weighing I should say a ton each, standing in a huddle and evidently considering in their animal minds what to do next. Instantly four buffalo tails flashed into the air and away all went across the country toward Breckenridge. It was useless to shoot and perhaps scare some other game, so, shouldering my gun, I walked down toward the bed of the creek out of sight, as the snow had begun to fly and I had no intention of losing my way, for I knew that the creek at flood time emptied into the Red river about a mile to the westward.

#### MY SECOND BUFFALO AND HOW WE GOT HIM.

As I walked along, looking for small game, I saw just ahead of me a buffalo lying on a point of land where the snow had been blown away. I tried to edge around out of sight till I could get a fair shot, when I heard a cap crack, then another, and another, in quick succession. The buffalo rose to his feet without seeming to be in any hurry, and moved off on the prairie and out of sight. I hurried down around the point. There stood John Hunt, back towards me, and holding his gun by the muzzle end of the barrel with breech upraised above his head as if about to smash it down on the trunk of a tree just in front of him. "I'll break it! Damned if I don't break it," he muttered. "Better think four times, before you do that, John; extra guns are not very plentiful out here," I said. "Where did you come from," he blurted, as he plumped the butt of his gun down into the snow at his feet. "No matter, now, you've got your priming wet. Reload, and we'll get that buffalo yet," I said. "Get that buffalo," John replied, disdainfully; "He's half way to Pembina by this time." "Don't waste time talking," I said; "snow out there on the prairie is knee



deep, and that buffalo poor, and not frightened. He'll be coming back to the shelter of this coulee in a few minutes if let alone. Reprime your gun and we'll crawl up the bank and see about it."

John did as I directed. As we got to the top of the bank, we saw the buffalo standing about fifteen rods away, looking northward and evidently considering what he had better do next. Then, as I expected, he turned around and came back toward the bare grassy spot he had just left on the slope of the bluff. We were lying in a place where the bull could not see us. He came a few steps directly toward us and then turned sidewise, as if making for a bare spot a little farther eastward on the bank of the creek. I said to John, "When he stops will be our chance. We will aim at his heart. I will count one, two, three, and when I say three, let both guns crack." The buffalo waded slowly two or three rods through the snow and stopped. I counted three. Both guns sounded as one. The buffalo made a tremendous bound, followed by two more, and then, all sprawled out, he went down, and before we got to him he was dead. I could put three of my fingers into the hole our balls made through his heart.

Snow was falling, fresh meat tempting. Moulton and Mark came up and raised a tent. Meantime the buffalo was cut open, the liver taken out, and we were roasting strips of it on the end of sharpened sticks in the fire. There may have been sweeter meals for me. If so, I could not remember them. Having skinned the buffalo and dried the skin stretched on stakes back of the fire, we spliced it with my oilcloth blanket, and this increased our overhead shelter from the snow. The storm soon ceased and it turned colder. We continued to cut thin strips of all that was eatable of the buffalo, and jerked it by drying on poles before the fire. Billy, my cook, and I, then went into permanent camp in the woods opposite Graham's Point, while Moulton, having been crippled by tipping over a cup of hot tea upon one of his feet, had to wait over until the river cleared of ice so that he could go down by canoe.

#### MILLIONS IN IT.

Tuesday, the 21st of April, Theodore H. Barrett of St. Cloud, a surveyor whom Moulton brought to plat our Brecken-

ridge and Graham's Point townsites, arrived at the point, and meandered the town that was to be. On the 22nd he finished his Graham's Point plat, and on the 23rd went to Breckenridge and completed that survey in the rough, nearly as Moulton and I had already meandered it. Most of the day, in correcting this work ready for the plat, we had to wade through prairie ponds, and some of them nearly knee deep. But what of that? There were still millions in it.

About noon I saw five buffalo cows and four calves on the bank of the Bois des Sioux river just above its mouth, where part of Wahpeton now stands. I wounded three of the cows, but they got away so far toward the Wild Rice river, to the westward, that I thought it would not pay to follow them.

Friday, the 24th, we surveyed two claims bordering the townsite of Breckenridge. It rained all night. The river rose so fast that we had to move our things and camp in the shanty on top of the bluff to the southward. On the 25th we also had to move our Graham's Point camp to higher ground.

Sunday, the 26th, we spent in camp at Graham's Point. Monday, the 27th, Billy and I began on our cabin. Again we had to move camp on account of the rising water, moving twice, and one of our removals was in the night. On the 28th, the next day, we continued the cutting and carrying of logs for the cabin. Barrett, the surveyor, helped us with the heaviest logs. We could not roll some of them up more than half way on the skids without sitting down to rest, being so weak; but this was no wonder, as we had nothing to eat but stewed buffalo meat and tea and boiled cat fish without salt.

John and Mark started on the 28th to fix a crossing of the Otter Tail river, as we intended to send John and Barrett to St. Cloud to hurry supplies and breaking teams. We also planned to have some ox meat brought down to the point on a raft from Breckenridge. The current of the high water was so swift, however, that a raft could not safely come. So Prentiss and John Hunt came down on foot. At Breckenridge the men had killed a buffalo the week before. The water on the 30th was about eighteen feet above low water mark.

On May 1st the river was falling rapidly. Barrett, John

and Prentiss started from Breckenridge for St. Cloud the morning of the second. Barrett was to stop at Lake Pomme de Terre and bring back Harris to superintend at Breckenridge, bringing along some temporary food supplies to help out the buffalo meat. Sunday, May 3rd, Moulton came down to Graham's Point from Breckenridge in a canoe with an Indian and went down to the mouth of the Sheyenne river to make another town there. The Indian said he passed men with boats some distance up the Otter Tail, who were coming down the river.

Monday, May 4th, Joe Whitford, who was afterward killed by the Indians in 1862, came with a Frenchman and an ox and cart, expecting to appropriate the townsite we were on; but, finding it occupied, he went across the river and camped where Graham formerly had his camp, from which this point received his name. All of Dakota was Indian territory, and he was liable to be driven off at any time. Whitford was sent by a Little Falls company and was a welcome arrival to us, for we had been living on tea and boiled catfish without salt for several days. They had flour. It was the first I had tasted since January, and like a fool I filled my stomach with pancakes and syrup. After supper I went down in the woods and rolled in agony behind a log until vomiting relieved me.

Friday, the 8th, teams and supplies came to Breckenridge. Saturday, the 9th, I went down with Bill Simpson toward Whiskey creek to pick out a claim for him. Mark went down to the Sheyenne about noon. Harris and Barrett remained at the Point. Sunday, the 10th, we rested in camp. Monday, the 11th, supplies came down to the Point from Breckenridge, a welcome arrival. May 12th I went up to Breckenridge to see to things there, both Prentiss and Moulton being gone.

Wednesday, the 13th, McDonald and his men came down the Otter Tail in boats. They were seven days coming from Otter Tail lake. They started by way of Crow Wing before we started from St. Paul, and got frozen into Otter Tail lake and had to winter there. Tom Patmore and Bob went down to the Point ahead of them, to look after our claims. They returned on Friday, the 15th, and reported that two of Becker and Hollinshead's men, who had located about six miles south

of the mouth of the Wild Rice river, had been up begging provisions to keep them from starving.

Saturday, the 16th, Harris and Barrett, one of our teamsters, started from the Point to Sheyenne. George and Sweetser followed about noon to help hold that site against McDonald's men, if they acted ugly. A few days later Moulton returned with the men who had wintered at Sheyenne, and hurried them, half starved, through to St. Cloud to receive pay for vacating the townsite. It was a waste of money. That Sheyenne townsite is now a farm, and we never entered a foot of it.

In those days the Red river of the North was to be the coming steamboat avenue of travel between the United States and Manitoba, besides being the main outlet of a rich farming region. This came true for a few years between Fargo and the border. Above Fargo the river was at all seasons, except flood time, not much better than a good sized creek, and so crooked that its chief ambition seemed to be to tie itself into all kinds of bow knots. From May 17th until I started to St. Paul in the latter part of June, I was chiefly engaged in directing garden and farming operations.

#### AFTERWARD.

In August, 1857, I went back to editing the St. Anthony Express. The financial panic of that year having begun, I took no further interest in Red river townsites. The indomitable Brott, however, persevered. He started a building at Breckenridge to be a steam saw mill of 150 horse power, and had mill machinery strung along all the way from St. Paul to the Red river, when he did not know that a single saw log, so large as sixteen feet long and a foot through, could be floated down the crooked shallow Otter Tail river, even in a June freshet, without snagging.

When the Civil War began, Brott's men enlisted. Barrett, the surveyor of our townsites, became the colonel of a colored regiment, was promoted to the rank of brigadier general, returned to Minnesota and for many years owned a large farm in Grant and Stevens counties, where he died about a dozen years ago.

In 1862 the Indian war began. Whitford was killed by the

Indians, and the Breckenridge mill building was burned. Of course, all we had done up there fell into ruins.

Brott went east before the end of the Civil War, loaded a steamer with supplies for the South, steamed around to New Orleans, and there patched up his shattered fortunes. He died about ten years ago in the city of Washington. Endowed with tireless energy, no amount of unfortunate circumstances seemed to discourage him. Continually under the harrow of debt, its teeth, however sharp, seemed only to wound him slightly before he was up and getting ready to go under again.

The Graham's Point and Sheyenne enterprises were abandoned. At Breckenridge I selected two hundred lots as my share, and they were deeded to me by Henry T. Welles, who had become the proprietor of the town. The railroad built the town so far away from them, however, that they became worthless even for tax purposes. What has become of them I have not heard, and I have not seen a foot of that country since June, 1857. The medicine I took during six months of that year cured me of the townsite speculation fever so completely that I have never felt a touch of it since.







*Lorin Cray*

MINNESOTA HISTORICAL SOCIETY.  
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# EXPERIENCES IN SOUTHWESTERN MINNESOTA, 1859 TO 1867.\*

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BY HON. LORIN CRAY.

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I am neither one of the very early pioneers of Minnesota, nor yet a historian. In early life my horizon was very narrow. Yet I saw and experienced a few of the realities of frontier life, of which some of you saw and experienced many.

Recounting events which have occurred in our immediate neighborhood is to us the most interesting of all history. We are familiar with localities, and are much more impressed with the facts. Our imagination helps us to see the Indian canoe on our rivers and lakes, and the tepee upon the banks; and later, our memory recalls the log cabins and rude surroundings of the pioneers, followed still later by beautiful farms and bright cities and villages.

The lives and experiences of some of the early settlers of Minnesota are household words in this state, but of the history and experiences of many others little is known, and what is being handed down is passed along by just such gatherings as we have here.

In the early spring of 1859 my father and brother-in-law started with teams of oxen and covered wagons from our home near Oshkosh, Wisconsin, to seek a location in the West, where homes could be gotten without money and without price. It was not definitely determined where they would go, but it was to be somewhere in the great new state of Minnesota, to us an unknown region.

Pioneer emigration by the then only method known to us, the covered wagon drawn by oxen, was quite brisk that year, and inquiry made by father of explorers returning for their families, influenced them to go to the western part of Blue Earth county.

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\*Read at the monthly meeting of the Executive Council, March 13, 1911.

In October of the same year all the earthly belongings of my father, being my mother, seven children, and a handful of household goods, were loaded into a wagon drawn by a pair of unbroken steers, and we were ready to start for our new home. The two cows which we had were to be driven behind the wagon. My elder brother drove the steers attached to the wagon, and we, the younger children, drove the cows. In the short period of precisely thirty days we reached our new home near the southwestern corner of Blue Earth county. Now we make the trip in twelve hours.

The year had been a peculiar one in Wisconsin. There had been severe frost at some time in every month during the entire summer. Corn and other produce was badly frostbitten, and by October first all vegetation was brown and dead.

But there had been much rain in Minnesota, evidently preventing frosts; and when we crossed the great "Father of Waters" at La Crosse, much swollen and turbid, we were greeted by green foliage, and the freshness of spring. Vegetation was rank, grass tender, crops good, foliage magnificent; and, boy-like, I at once fell in love with Minnesota. At that time the southern part of Waseca and Blue Earth counties was almost wholly uncultivated, producing a wonderful growth of wild grasses.

We crossed the Blue Earth river about thirty miles north of the Iowa line, and it then seemed that we had reached the very limit of civilization. One could look from the river west, southwest, and northwest, and except a few settlers' cabins near the river, not a sign of human life or habitation could be seen. In fact, the western part of Blue Earth, Faribault and Brown counties, and all of Martin, Jackson, Watonwan, Cottonwood, Rock, Nobles, Murray, and Pipestone, Redwood, Lyon and Lincoln counties, were entirely unsettled, save for a few settlers along the Minnesota, Blue Earth, Watonwan, Des Moines and Rock rivers, and around the Chain lakes and lake Shetek.

Our first impression was that we were entirely without neighbors. The nearest settlers were a mile distant, and there were only four or five families nearer than four miles away. But we soon learned that we had neighbors, even though the distance was considerable.

First one neighbor and then another would extend to every family in the vicinity an invitation to spend an afternoon or an evening. Someone would hitch his oxen to his wagon or sled, and, going from house to house, gather up a full load, and then, at the usual gait for such conveyances, we rode and visited until we reached the appointed place, where perhaps eight, ten or a dozen persons spent the afternoon or evening in the one little room where the meal was being prepared and the table spread. In this way many warm friendships were formed, never to be broken. Such neighbors are, as a rule, neighbors in fact, as well as in name.

A man was asked, "Why did you return to the west, after having gone back to New York, and having spent two years there?" His answer was, "Neighbors! Would you want to spend your life where the people twenty feet away do not know your name, or care whether you live or die? We used to have neighbors in the west, but when our baby died in New York not a person came near us, and we went to the cemetery alone. We thought we would come back home."

How very many have had nearly the same experience! On the frontier a settler becomes ill, and his grain is sown, other crops are planted, and the harvest is gathered. A widow buries her husband, and her experience is the same. Why is this? Because they have neighbors. It is no light thing for one to leave his harvest and go miles to save the crop of another, but it has been done times without number; and the neighborly sentiment, which prompts such kindly acts, counts for something in making up the sum total of human happiness in this short life of ours.

What did we have to eat that year? Potatoes and corn, no flour, no meat, some milk. I doubt whether there was a barrel of flour within three miles of our home. No wheat had been raised, no hogs had been fattened; corn and potatoes were the only food.

In 1859, 1860, and 1861, the Blue Earth valley was supplied with mail by a weekly stage route from Mankato to Garden City, Vernon, Shelbyville, Winnebago, and Blue Earth City. The post office for our country for miles around was Shelby-



ville, then quite a promising village about two miles south of the present village of Amboy.

We were five miles from Shelbyville, and to get our mail we must go this distance and cross the Blue Earth river, either in a canoe or by fording. I remember one occasion in the very early spring, when the river was scarcely free from ice and was much swollen, filling its banks. Five or six of us, neighbors, started for Shelbyville to get our mail, and to hear the postmaster read the news from a weekly St. Paul paper which came to him, there being at that time, I think, no newspaper taken west of the river. We reached the river, the ice had gone out, and the canoe was on the other side. We agreed to draw cuts and decide who should swim the river and get the canoe. The lot fell upon Jonah, and I have had chills ever since. I am not quite certain that the cuts were fairly held. Shelbyville is dead, very dead, and it is deserving of a parting tear.

The first religious service in our neighborhood was conducted in a little log school house near our home in the early summer of 1860, and was attended by very nearly the entire settlement. The men were nearly all in bare feet; the women were dressed in drills and denims; the children were compelled to stand for want of seats.

In the autumn of 1860 large flocks of blackbirds, such as I think were never since seen in this country, attacked the corn crops and destroyed much corn. This was general over all southwestern Minnesota. It is no exaggeration whatever, when I say that dense flocks would consume an entire day and even longer in flying over a given point. The state offered forty cents per hundred for their heads, many were poisoned, but apparently no benefit was accomplished.

The same year sandhill cranes were so numerous, voracious, and bold, that they could scarcely be driven from the fields.

The following spring of 1861, the water in the Blue Earth river rose twenty-six feet in forty-eight hours, breaking the record, I believe, for that eccentric stream, flooding the bottoms, floating away much wood and fencing material gotten out by the farmers, and drowning several persons. One family

living on the bottomland, whose shanty was surrounded by water in the night, lost several children.

Soon came the War of the Rebellion. My older brother at once returned to Wisconsin and enlisted in the Third Wisconsin Volunteers.

In 1861 a state war tax of one dollar for each legal voter was levied. My father was a voter. It was not a very heavy emergency tax, to be sure, but my brother-in-law and myself worked an entire day and late into the night, with two teams of oxen, cutting a large saw log and hauling it to the mill at Shelbyville, which log we sold for a dollar in order to pay this tax.

I enlisted on August 17, 1862, and on August 18 the Sioux Indian troubles began. There were no railroads, telegraph or telephone lines, but one stage line, and I could never understand how the reports of these troubles spread as rapidly as they did. Although the massacre began about sixty miles from us, yet on the 19th of August our whole country had reasonably reliable information of the uprising. A neighbor came to our house in the night, neighbor went to neighbor, and so the news travelled. The men were in a fury of excitement and anxiety; the women and children were quaking with fear.

Wagons were hastily loaded with women and children and a little food, animals were turned loose to provide themselves with food, houses were left unlocked, oxen were hitched to the wagons, and a general stampede was started toward the east, with all eyes turned toward the west. No one knew whither they were going; they only knew that they dare not stay.

A halt was made at Shelbyville, the strongest buildings were selected for occupancy, the women and children were placed inside, and the men acted as pickets. In the whole country there were scarcely a dozen guns.

Reports came worse and worse. New Ulm, twenty-five miles away, was attacked, and another stampede began for the east; some stopped at Wilton, Owatonna, and Rochester, and some, so far as was ever heard, are going yet. After waiting two or three weeks and hearing encouraging reports, some of the more venturesome returned to their homes with their families, only to remain a few days, and were again driven away

by the near proximity of the Indians and the sickening reports of their murders. What was true of our neighborhood was true of every settlement in all southwestern Minnesota.

When the stampede from our neighborhood started, my father drove our oxen with my mother and five children in the wagon. On reaching the Blue Earth river about four miles away, one of the oxen was taken sick, and could be driven no farther; he lay down and died. Here was a somewhat unpleasant dilemma, but a swarthy young man in the caravan went into the woods and, as he put it, "fiscated" a young unbroken steer, put him into the yoke, and make him work. When they returned several weeks afterward, the steer was turned loose where he was found, and we have not yet ascertained whose property he was.

The unsettled and terrifying conditions then existing continued until late in the fall, when, under the general belief that the Indians would not move on the war path in the winter, the greater number of the settlers returned to their homes to save what they could of their nearly destroyed and wasted crops. Some of them, indeed quite many, never returned. With feelings of partial security, and encouraged by their escape from slaughter thus far, the settlers remained at their homes, under an intense strain of anxiety but nearly undisturbed, until 1864, when rumors of Indian troubles were again heard; but the settlers were not so easily terrified as before, and held their ground.

Many a day during this time my younger brothers and sisters sat upon the roof of our straw-covered cattle shed and watched for Indians, while father worked in the field. Little wonder, if some of the children of pioneer days became prematurely old and thoughtful.

On the 11th day of August, 1864, after quite a long period of freedom from Indian disturbances, a party of eight or ten Indians suddenly appeared in the edge of the timber on the east side of the Blue Earth river, between Shelbyville and Vernon, and, taking wholly by surprise Mr. Noble G. Root and his two sons, who were stacking grain, shot and killed Mr. Root and seriously wounded one, and, as I think, both of his sons.

The Indians then crossed the river in a westerly direction, reaching the open country where the Willow Creek cemetery now is. On that day, Mr. Charles Mack of Willow Creek, with his team and mower, had gone to the farm of Mr. Hindman, a near neighbor of ours a short distance from Willow Creek to mow hay for Mr. Hindman, who in exchange had gone to the farm of Mr. Mack to assist Mr. Jesse Mack in stacking grain. They were loading grain directly across the road from the cemetery, when, on looking toward the road, but a few rods away, they saw these Indians coming directly toward them. They both hastily got upon the load, and Mr. Mack whipped his horses into a run, when, in crossing a dead furrow, Mr. Hindman was thrown from the load, pitchfork in hand, striking upon his face in the stubble and dirt. Rubbing the dirt from his eyes as best he could, he started to run, and as soon as he was able to open his eyes and see, he discovered that he was running directly toward the Indians. He reversed the engine somewhat suddenly, put on a little more steam, and made splendid time in the other direction toward the creek bed, less than a quarter of a mile away.

Once in the creek, the water in which was very low at that time, he followed the bed of the creek for nearly a quarter of a mile, and then stopped to rest and to wash the dirt and blood from his face. He then left the stream and started up the bluff on the opposite side, which was quite steep and covered thickly with timber and brush. Nearly at the top of the bluff he came to a little opening in the brush, and looking around about a hundred feet, he saw those Indians deliberately watching his approach. Utterly exhausted and unnerved, he dared not run; he paused, and in a moment one of the Indians drew a large knife and started directly toward him. Concluding that his day of reckoning had come, he took the position of a soldier with his pitchfork at "charge bayonets" and awaited the approach of the Indian, who came within a very few feet of him and stopped. Each stood, looked, and waited for the other to open the meeting; finally the Indian turned as if to retreat, and Mr. Hindman turned again toward the creek. He reached it. There was no official time-keeper, and the exact time is



not recorded. He then followed the creek bed down to the house of Mr. Mack, where he found a pony belonging to himself, which he had ridden there that morning, and started with all speed toward his own home, where he arrived just before dark.

His children were gone, his house ransacked, nearly everything broken or destroyed, and in the meadow a short distance from the house was the dead body of Mr. Charles Mack. By this time darkness had set in. His wife had gone that day about two miles to the house of Mr. Jesse Thomas to attend a neighborhood quilting. He again mounted his pony and started across the prairie for that place. When about half the distance had been made, the pony looked sharply to one side and neighed loudly. Mr. Hindman looked through the semi-darkness in the direction indicated, and there, about two or three hundred feet away, were the Indians; four of them were mounted, the others on foot. Mr. Hindman put whip and spur to his pony and ran him for nearly a mile, then he stopped in a valley to listen for the Indians; he did not hear them, and he has always insisted that he has never seen them since.

On arriving at the home of Jesse Thomas he found it deserted, ransacked, and nearly everything destroyed.

It was later learned that his children saw the Indians attack Mr. Mack, that they ran from the house and secreted themselves in the very tall grass of the slough in which Mr. Mack was mowing, and escaped with their lives.

The ladies at the quilting had a visit from the Indians; they saw them approaching from a belt of timber but a few rods away, and, escaping by a back door to the cornfield which came quite up to the house, all their lives were saved.

No more honest, kindhearted and generous neighbors ever gave their lives in defense of their property and their families, than were Charles Mack and Noble G. Root.

I need not dwell upon the furor of alarm which this Indian raid again caused in that settlement, and indeed all over southwestern Minnesota. Many settlers again seriously contemplated finally abandoning their homes and property and fleeing for their lives; they had nearly lost all faith in the assur-



ances of protection by the public authorities. But squads of armed men were organized, the country was scoured, pickets were put out, the women and children were corralled as well as possible, and after a while confidence was again partially restored.

This was the last Indian raid into southwestern Minnesota, save the raid into Blue Earth county on the 2nd day of May, 1865, in which the Jewett family in Rapidan were murdered, with the circumstances of which all are familiar.

It has been written that the half-breed Campbell, who was hanged in Mankato for participation in this murder, "was captured by an armed citizen by the name of Dodge, and taken to Mankato." This is not correct. This man Dodge, whom I well knew, and who signed for enlistment in my company, was walking along a public road near Jones' Ford, going toward Mankato about three miles away, when he fell in with Campbell going in the same direction. Nothing was said or done in the way of a capture, but Campbell's actions and talk were such as to create suspicion that he knew of the killing of the Jewett family. On arriving at Mankato, Dodge related his experience and suspicions, and Campbell was then taken into custody. Campbell was on his way to Kasota at the time, where his mother then lived. He was tried a few days after this murder on the Court House lawn in Mankato, by a sort of drum-head court-martial, and then and there was executed by being hanged to a tree.

William J. Jewett, who was a baby in arms when this family was murdered, and who was struck upon the head and left for dead, but who of the entire family survived, was this last summer killed in an automobile accident in the suburbs of Mankato.

I have said that I enlisted on August 17, 1862. We were mustered on the 19th and assigned as Company D of the Ninth Minnesota, but we did not meet the other companies of our regiment for more than a year thereafter. On the very day of our muster we learned of the Indian outbreak at the Lower Agency, and our company was ordered to march at once to St. Peter.

Company D was made up very largely of farmer boys right from the harvest fields, dressed in denims and straw hats, some in bare feet, and we were not in first class marching order, nor very presentable. Uniforms and Government clothing could not be had, and, more than this, the only arms with which we could then be furnished were old Austrian and Belgian muskets, which had been stored and poorly cared for since the war of 1812. Very many of the muskets were utterly useless as fire-arms.

Notwithstanding these little deficiencies in our make-up, we made a forced march to St. Peter, looking more like a squad of Missouri bushwackers than Union soldiers. On our arrival at St. Peter we at once dug a line of rifle pits along the crown of the bluffs, extending from the present location of the Insane Hospital on the south to the Minnesota river on the north; and we spent the fall and winter in drilling, picketing in the rifle pits, and scouting the country toward New Ulm and Fort Ridgely and in the vicinity of Swan lake. I well remember that there were brought into St. Peter a woman and children who had been found hiding in the tall grass and rushes near their house which was yet burning, the husband and father having been killed.

After the second battle at New Ulm, and when that city was evacuated, there came over the hill on the New Ulm road and into St. Peter, very early one morning, a very large number of men, women and children, with horse teams, or oxen, on horseback and on foot, a veritable mob or rabble which had been on the road all night coming from New Ulm to St. Peter, in imminent peril of their lives. Two large stone warehouses stood on the river front at St. Peter, and these were hastily converted into barracks and what we then called "soup houses" for these refugees, where they remained a long time. We so called these quarters because for want of sufficient rations, on which to feed these people, they were fed largely on soup made in great kettles as the cheapest food and that which would make the food supply go farthest. The old Court House, a frame building not far from the Episcopal church, was converted into a hospital for the sick and wounded, of which there

were many, the patients lying upon the floors for want of beds or cots.

We were diligently and persistently drilled in military maneuvers through the entire winter, and became quite proficient. While as a steady diet we did not enjoy these drills, there were some amusing experiences. A company of German cavalry was there, and their orders on drill were given in German. Our infantry company and the German cavalry company would frequently have a sham battle. The infantry would advance, deploy as skirmishers, and the cavalry would charge us with their horses on the run. The infantry would rally on the center, and, as the cavalry came near, fire with blank cartridges; then the horses would throw their riders and run away. This was too strenuous work for the cavalry and we discontinued it. The hospital was fast filling with injured cavalry men, and the horses were not at all schooled to their work by this manner of drill.

A little incident illustrates the freight problem then and now. I was at a ford on the Minnesota river. A man came along with a team of oxen and a wagon loaded with cook stoves. He crossed the river and in going up a sharp hill the chain broke, the wagon ran back, tipped over upon the stones, and every stove was broken. The man was about ready to have a nervous collapse. He said that he had gone from Mankato to St. Paul for this load of stoves for a Mankato dealer, had been on the road two weeks, that he was perfectly willing to lose his time and expenses, and to ask no compensation, but that if he should be required to pay for the stoves, it would take all the property he had on earth. I hope that he was not required to pay for the stoves.

While at St. Peter, in the early part of December, 1862, a few of us learned, by grapevine telegraph, late one afternoon, that an effort was to be made the following evening by the citizens of Mankato, New Ulm, and vicinity, to kill the Indian prisoners, three hundred and more, then in camp at Mankato near the present site of Sibley Park. As no admission fee was to be charged, the select few determined to attend the entertainment. After dark we corrupted a wagon-master, secured

a team of Government mules and a wagon, and started for Mankato, where we arrived about nine o'clock in the evening. I have never seen a correct history of this fiasco in print.

The headquarters of the blood-thirsty citizens was the old Mankato House, located where the National Citizens' Bank now stands, and liquid refreshments were being served liberally, without money and without price. A very large crowd had gathered, but there seemed to be no great haste to march on the Indian camp. Several times a start was made by a squad of fifty or a hundred persons, who would proceed for a few hundred feet and then halt, finally returning for more refreshments.

Nearly at midnight the supply of refreshments must have become exhausted, for the army moved. Several hundred of the citizens started south along Front Street for the Indian camp, straggling along a distance of several blocks. When the head of the column reached West Mankato, it halted until the rear came up, and while a rambling discussion was going on as to just what they should do, and how they should do it, Captain (since Governor) Austin and his company of cavalry surrounded the whole squad and ordered them to move on toward Colonel (since Governor) Miller's headquarters, right at the Indian camp, where now they seemed reluctant to go and refused to move.

Captain Austin ordered his men to close in, which they did, crowding the citizens, and yet they refused to move. Finally he gave the command "Draw sabers," and when a hundred sabers came out in one movement, the army again moved on Colonel Miller's headquarters at the Indian camp.

The scene there was supremely ridiculous. Colonel Miller came out from his tent and spoke kindly to the citizens, and asked why they had congregated in such large numbers. Every one who answered at all insisted that their mission was wholly peaceful, being utterly ignorant of any evil designs, and finally the Colonel ordered their release and suggested that they go home, which they hastened to do.

The next morning these Indians were removed, under guard of all the troops in the city, to log barracks which had been



built for them on Front street, diagonally across the street from where the Saulpaugh Hotel now stands. The removal was accomplished without incident, except that occasionally an epithet was hurled at the soldiers for being engaged in guarding and protecting the Indians.

These barracks were occupied by the Indians only about two weeks. They had been there little more than a week, when the officer of the day, making his morning inspection, which was very formal, thought that he saw a hatchet or a knife under the blanket of one of the Indians. Without a change of countenance or a suspicious movement he proceeded in the inspection until it was completed, retired from the barracks, and at once caused to be quietly mustered around the barracks every soldier in the city with loaded guns and fixed bayonets. Then with a squad of soldiers he entered the barracks, and, searching every Indian, secured a large number of hatchets, knives, clubs, and other weapons. These weapons, it was learned, had been gotten at the Winnebago Agency, about twelve miles from Mankato, by several squaws who prepared food for these Indians, and who were allowed to go to the woods to gather fuel for their fires.

Immediately after this discovery the Indians who were under sentence of death were removed to a stone building but a few feet distant, where they were kept under heavy guard. The guard which had been kept around the barracks had been comparatively light, and had the Indians moved in the night time before their plans were discovered, they would probably have escaped.

A few days after this incident, my company came from St. Peter to Mankato on December 26, 1862, to act as a guard on one side of the scaffold at the execution of the thirty-eight Indians who were then hanged, about one hundred and fifty feet northerly from the location of the Saulpaugh Hotel, and between Front street and the river, of which execution so much has been written and said.

In the very early spring of 1863 my company was ordered from St. Peter to Judson on the southwest side of the Minnesota river, very near where Judson station now is, about mid-



way between Mankato and New Ulm. There we built a sod fort about 150 feet square and about ten feet high, making an excellent fort for resisting Indian attacks, and we there remained until May of that year, scouting the prairies and timber lands, and bearing dispatches between New Ulm, St. Peter, South Bend, and Mankato. The remains of the fort can still be seen, and an engineer's draft of it is in the files of this Historical Society.

While in this fort I was on one occasion ordered to go to the stables, saddle the fleetest mule, and carry certain important dispatches to Mankato. Riding mules was not my long suit, but I obeyed. I had proceeded about two miles, when I came to a narrow bridge which my mule refused to cross. We fought it out and the mule conquered. I succeeded in getting him so unmanagable that he turned and ran back to Judson with me, in spite of all that I could do. I was so mortified that, rather than go to the fort, I let him go direct to the stables, where I dismounted and secured a driver's "black snake." Remounting, I applied it so vigorously that when we reached the bridge the second time, neither of us knew it. I was complimented for making such excellent time.

In early May, 1863, one platoon of our company was ordered to Fairmont in Martin county, and the other platoon to a small prairie lake in the same county, then called Chanyaska lake, about eleven miles northwest from Fairmont and a short distance north of Elm creek.

I was with the platoon under Captain Skaro, which was ordered to Fairmont. We marched from Judson by the way of Garden City, Vernon Center, and Shelbyville to Winnebago City, and from there we marched across the prairie as nearly in a direct line as possible to Fairmont. If there were any roads, we did not see them; our course the whole distance was through prairie grass.

We approached Fairmont from a northeasterly direction. Halting on a hill or elevation a short distance from there, we caught the first sight of our destination. From this standpoint the landscape was most beautiful and attractive.

To the east from whence we came could be seen a sea of rolling prairie, with the timber on the Blue Earth river eigh-

teen or twenty miles away, and extending from the Blue Earth county line southerly to Blue Earth City and beyond. To the south our vision extended across the prairies to the Iowa line, with the timber of East Chain lakes as the only obstruction to our view. To the north was Elm creek, which could be traced by the skirting trees from a distance west of the Central Chain lakes in an easterly direction to the Blue Earth river, with the mounds in Blue Earth county, near which I lived, plainly visible beyond the valley of Elm creek, twenty miles away. To the west, as placid as molten silver, were seen the waters of two of the Central Chain lakes, and the timber skirting two or three more, beyond which was an endless sea of rolling prairie.

Immediately in our front, sleepy and quiet, was the little log fort which we were to occupy. The few little homes upon the lakes then occupied, were hidden in the woods, and the little fort was the only visible evidence of the handiwork of man.

The fort was located just southerly from the present beautiful Court House, the westerly wall running about parallel with the high bluff of the lake shore, and about fifty feet from where the bluff begins to descend toward the lake. It was constructed of large, long logs, and was about eight feet high and a hundred and fifty feet square; it enclosed the first Martin county court house, which was used by us as a mess room. This Court House was about 18 by 24 feet, built of boards, one story high, and is there yet, just to the south of the Court House grounds, and should be preserved.

This fort had just been vacated by a company of Wisconsin cavalry in anticipation of our arrival. A draft of this fort made by government engineers is now in the files of this Society.

We found on investigation that we had inherited from the cavalry company two canoes and a small flat boat, which were lying at what is now the boat landing on Sisseton lake. These boats furnished us with very much amusement. It was a favorite pastime to engage in naval battles, the two canoes against the flat boat, and more than once I found myself and canoe tipped over in the middle of the lake, my paddle captured, and I left to get ashore as best I could.

The platoon ordered to Chanyaska lake, under command of Lieutenant Patton, arrived there about the time that we reached Fairmont. This was a shallow prairie lake, with heavy marsh grass all around it, and was literally alive with geese, brant, and ducks, and quite frequently large swans could be seen upon its waters. This platoon constructed a sod fort near the shore of the lake much like the fort we had built at Judson.

About once in each month our platoons changed locations, so that each platoon was in each fort about an equal length of time. Our duties consisted of scouting the prairies to the west of us for Indians, but not one was seen by us that summer.

A line of forts was constructed and occupied that summer, extending from the Iowa boundary northerly to Fort Abercrombie, and cavalry scouts frequently passed along this line, carrying our mails, and keeping us posted as to Indian disturbances.

Captain McLeod, General Sibley's chief of scouts, a very congenial man, frequently visited us.

We had a few good musicians in our company and we determined to have a celebration at Fairmont on July fourth, and a dance in the evening. We invited our friends and relatives all along the line from Blue Earth City to St. Peter, and I think that about every one came. Our barracks, which we surrendered to the ladies, were filled to overflowing. We soldiers slept upon the stable roofs, the ground, in our boats, everywhere and anywhere; but, because of the mosquitoes, the most of us slept nowhere. The platoon from Chanyaska came over and we had a royal time, rounded out with an all-night dance.

The day before the 4th, six of us went out on lake Sisseton and lake George with our three boats and killed thirty-six geese; another detail of men caught fish in abundance; and on the fourth our meals were mostly fish and goose, goose and fish, boiled, fried, baked, stewed, and broiled.

The unusual movement of Indians and troops on the western plains that summer seemed to disturb and break up the usually large herds of buffaloes which roamed there, dividing

them into smaller herds which wandered in many directions. On two occasions in the early morning our pickets discovered buffaloes across Sisseton lake to the west of us, on one occasion two, and on another three. We immediately organized hunting parties, succeeded in killing all of them, and enjoyed the novelty of buffalo steak very much.

We had one horse which belonged to one of our officers, and on one of these occasions there was a peddler at our fort who drove an old and somewhat crippled horse. These horses were both taken by the soldiers on the buffalo hunt. The man riding the peddler's horse approached quite near a buffalo after we had surrounded him, and fired, wounding the buffalo, which quickly lowered his head and charged directly at him. It was with the greatest effort that this man succeeded in getting the machinery of that horse in motion quick enough to escape being caught; both man and horse then and there retired from the field.

We succeeded, at both of our forts, in catching alive foxes, prairie chickens, quails, cranes, geese, and an endless variety of ducks, making really an interesting collection, which we kept in cages and pens, cared for and fed, until we turned them over to our successors. We also had a tame hawk at each fort, wings entirely uncut, at liberty to come and go as they would, but they were the most tame of any of our collection, and came long distances to answer the bugle call for meals.

At our fort at Fairmont we learned a lesson in order which I think none of us have ever quite forgotten. One dark night after midnight the drum sounded the long roll, which means "An attack, get into line quick!" Things had been going smooth, and we had gotten extremely careless in the location of our clothing on retiring to bed, and such confusion as this call caused can hardly be imagined. I jumped from the upper bunk which I occupied, and fell straddle of the neck of an occupant of the lower bunk, who was trying to get on one of my shoes; the other one I could not find. In fifteen minutes from the first tap of the drum we were in line, some without shoes, some without hats, several without guns, nearly all in a partial state of undress, only to receive a well deserved scolding for our utter disorder.

After two more similar experiments, we could, in utter darkness, get into line of battle, fully equipped, in three minutes from the first tap of the drum. I am still inclined to practice the lesson I then learned.

About the first of October we were relieved by a company of Minnesota cavalry, and were ordered to join our regiment at Fort Snelling and go south.

On the 8th day of October, 1863, there stood upon the hurricane deck of a steamer gently steaming down the Mississippi river past Lake City, where the present generation of soldier boys are wont to camp, and toward the Sunny Southland then grim with the smoke of battle, eight healthy, cheerful and light-hearted soldier boys, discussing the question whether we, and how many of us, would ever see Fairmont again.

One lies buried at Benton Barracks, Missouri; one sleeps in the Soldiers' Cemetery at Memphis, with seventy-two thousand loyal comrades; five went to a soldier's death under the scorching sun, within the prison stockade at Andersonville. I alone, of all these, was privileged to look again upon Fairmont and those beautiful lakes.

About the time of the close of the war, immigration became brisk, many new settlers came into southwestern Minnesota, and signs of thrift and prosperity were for the first time manifest in all directions. In the years 1866 and 1867 there was a veritable farmers' boom throughout all the country; much new land was broken and much building done. All of the grain crop seemed to be needed for bread, seed, and feed for the newcomers. There was no occasion to haul produce to market. It was all eagerly taken at the farm.

There was in 1866 a splendid crop of everything. Wheat sold at the farm in the spring of 1867 at \$2.00 to \$3.00 per bushel; oats at 50 to 75 cents; potatoes at \$1.00 and upward, and everything else accordingly. This caused a great increase in acreage of producing ground, which was increased many-fold. Some said that wheat would never go below \$2.00 again.

How about the result of all this? The crop of 1867 was a very bountiful one. Farmers were compelled to pay from \$3.00 to \$3.50 per day each for six or seven harvest hands to follow



the old hand rake or self rake reapers, and the wheat crop sold at 35 to 55 cents per bushel. Debts had been created for new machinery at high prices and high rates of interest. Low prices of produce prevailed for many years, and the result was an extended period of great depression and very hard times. Many farms were lost under mortgages, and many of the early settlers were compelled to go elsewhere and start again.

A true pioneer is very seldom fitted to compete with the more shrewd and experienced man of the world. He is as a rule quite unable to reason from cause to effect, or to foresee approaching conditions and profit thereby. He is quite incompetent to deal with the average business man at arm's length, and the result is inevitably "the survival of the fittest," as has been very heartlessly said. He suffers hardship and privation, sometimes starvation and death, to open and develop some garden spot on this earth, only to be crowded out by his more shrewd successor, who lives to enjoy the fruits of his toil.

In this day and age of great and rapid transitions, of industrial and commercial war, wonderful inventions and intense life, when the industrial, commercial and social world is going at such a furious pace, let us not forget that the pioneers of all this country, both east and west, made all this possible; yes indeed, made this country. They are the people who made this great state, and who are entitled to the credit for pretty nearly all that is good and worthy in it.

They came in the days when men across the great river hitched oxen to covered wagons, and with their families and household goods drove over corduroy roads, through sloughs and sand, through forests and over prairies, across half a continent to the frontier beyond. Mere girls and boys driving teams and following cows, as joyous as if life was one long holiday; tired women, gazing from under the canvas tops, wondering whither bound; children as ruddy as cherries, first riding and then running alongside,—all were chasing the setting sun.

Stories of trampling of fighters on the march and in the clash of arms, there are in plenty, surrounded by all the romance and glamour of which poets love to sing; but because

these heroes and heroines of pioneer days went forth from our own borders, because they shed a martyr's blood without a martyr's prayer or a martyr's whine, because, when they won the game of life's battle, they were dust grimed, ragged victors, because they were heroes and heroines of the commonplace, their history is largely unwritten.

It is easier to be a hero of the regiment, marching in uniform and pomp to the music of the trombone and tuba, than a hero of the spade and the axe, the milk-pail and the frying-pan. Yet the conquest of the frontier was wrought by the heroes and heroines of the homespun, by the men and women, too, with rifle in one hand, and the implements of toil in the other.

Of no class is this more true than of the early settlers of southwestern Minnesota, men and women with muscles of iron and nerves of steel.

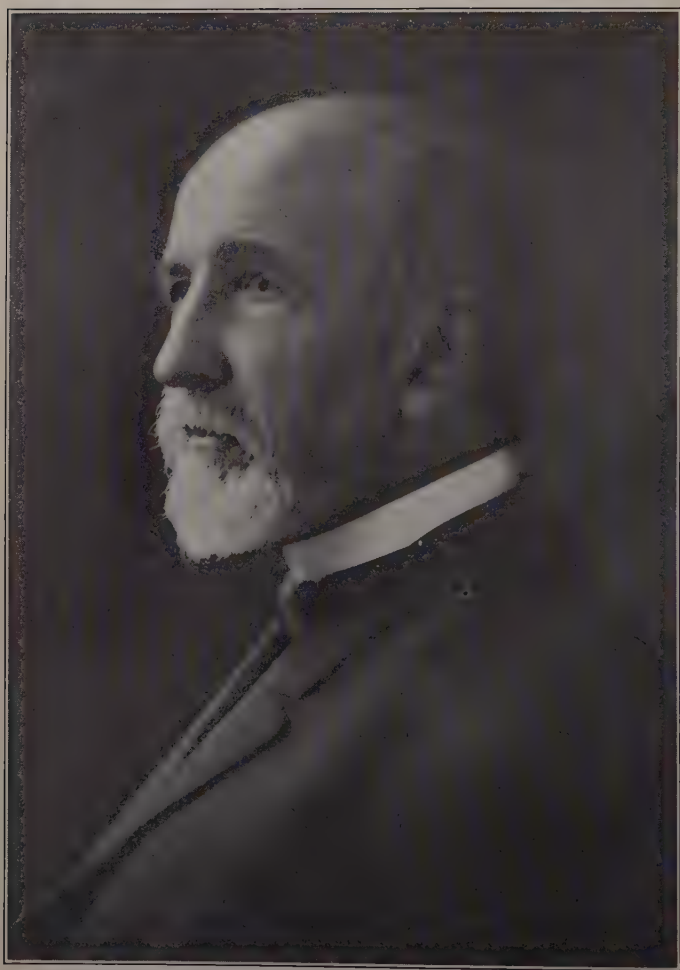
"He is swart from the glow of the merciless sun,  
And his muscles are sore from the work he has done;  
He has builded his home where the prairie wolves roam;  
He's the hewer, the blazer of trails.

He is crude with the strength of the seeker of toil,  
From the hot barren wastes he is gathering spoil,  
For a nation that lives from the bounty he gives;  
He's the builder, the winner of ways.

Where the silent wastes bake in the summer's hot glow,  
Where the forests are choked in the shroud of the snow,  
By his brain and his brawn a new nation is born;  
He goes forward to conquer new realms.

And the world has its heroes of lace and gold braid,  
That are honored and wined for the waste they have made;  
But the world little knows of the debt that it owes  
To the hewer, the blazer of trails."





*J. B. Walker*

MINNESOTA HISTORICAL SOCIETY.  
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# MEMORIES OF THE EARLY LIFE AND DEVELOPMENT OF MINNESOTA.\*

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BY THOMAS B. WALKER.

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When Fort Sumter was fired upon and the greatest war of history was launched by the Southern Confederacy, it aroused determined opposition over the northern states and created a patriotic warlike feeling that perhaps has never been equalled in history, for defense of the American Republic against impending division and destruction. At the same time, it created also a feeling of depression and disappointment that might be likened to the appearance of the sun in time of a total eclipse.

As the war progressed and vast armies were called out on both sides, nearly every family in the north was filled with apprehension as to some member of the family or relatives or friends that were in the army and subject to more than even chances of being killed or severely wounded. It clouded every household. The wheels of industry, trade and commerce, in fact all occupations, seemed almost entirely to stand still, excepting the routine work of the farmer. The call for 75,000 men brought out one or two hundred thousand volunteers more than were called for; and it took so many men from the colleges of the country, and caused so much discouragement, that some of the colleges were closed.

I joined two Ohio military companies, and, as a representative of them, used up a month or two trying to get either one of them into camp at Cleveland. But all the time, when promised the next vacancy, companies would come in from different parts of the state without permission and would more than fill all vacant quarters.

I had shipped to Grand Rapids and Chicago several carloads of grindstones, which constituted all the capital that I

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\*Read at the Annual Meeting of this Society, January 12, 1914.



possessed, mostly earned by work in the hardwood forests of northeastern Ohio. Finding that the feeling of disappointment and destruction of trade, during the first year of the war, had led those to whom the grindstones were sold to refuse to take them, I started West to look after them. First I went to Michigan, and finding that the men who had bought the grindstones at Grand Rapids would not receive them, and that no others would take them at any price, I was compelled to retail them to the farmers through western and central Michigan, taking them by team through the country and selling them singly at reduced prices. Then going westward to Chicago, I found it impossible to sell the grindstones there, located on the wharf, to anyone at any price, so I went to Milwaukee, hoping that the big firm of Nazro would purchase them. But neither he nor any other hardware dealer could see any object in purchasing them, as trade was almost entirely dead. I then went westward to Madison, and found it as impossible there to sell as it had been in the other places; and as I could not sell the grindstones, it became necessary to seek employment to gain a livelihood.

Having spent a number of years in the study of the sciences, particularly of mathematics, mostly outside of school but carried on to a knowledge of the higher branches, I thought teaching along that line would be of interest to me, both in pursuing my studies further and in securing a livelihood. I therefore went to the home of the president of the University of Wisconsin and called to see him. His very pleasant and queenly appearing wife told me to be seated in the library and she would bring the president from down in the grove, in which the house was situated. He had quite a considerable collection of books on his library shelves, and among them I was surprised to find Newton's Principia, which I had never found in any library before, with one exception. I had taken down this book and was looking it over, when the president came in, in his slippers and dressing gown, and without my knowing of his coming. He looked over my shoulder and saw the book I had in my hand, and wanted to know what I was doing with that. I said to him that I wanted to find out if he had studied

it, and how far he had succeeded in getting. Having told me how far he had gone, he questioned me about a problem or scholium that he, and even those who had for several years studied the *Principia* in Yale or Harvard, had never been able to solve. Upon my showing him that I had succeeded and had proved it to Professor Schuyler of Baldwin University, he then inquired what I knew about Schuyler. I told him that I was from Berea, where Dr. Schuyler was professor of mathematics in Baldwin University. To this he said that Professor Schuyler had written a very admirable series of textbooks on mathematics.

When I told him that I would like a position to teach mathematics, it struck him more than favorably, as he said that that was his line of work, and that it did not give him any time to run the university and he wanted some one to handle the classes. We went around with his horse and buggy among the members of the Board, and I found that the general scare which everywhere existed made them hesitate about making any arrangements for the future running of the school, not knowing whether or not it would ever open again. The president, whose name I have forgotten, said that when school would open again, which he hoped would be in the fall, he felt quite certain that I would be offered a position as assistant teacher in mathematics. A majority of the board were really in favor of engaging me, and the other members were not opposed, excepting only their apprehension as to future prospects of the university in such calamitous times. This came to pass in the fall, when I was on the government surveys in the northern part of Minnesota and could not accept. If this opening had occurred or had been decided upon before I came to this state, it would without doubt have changed the course of my whole life.

I then went westward to McGregor Landing. On the way I stopped at several places, but could find no market for my grindstones as far as Prairie du Chien. As McGregor was the liveliest little town in the West, the farmers coming in for fifty or a hundred miles with their grain and to buy their goods, I went there with more hope of selling. I stayed there one day but could sell no grindstones.

In the evening, in front of the hotel, a very plain but friendly appearing man sat down beside me and explained that he was in charge of lumber rafts, coming down the river from the city of Minneapolis. Upon inquiring of him where Minneapolis was, he was perfectly astonished that I, an American citizen, did not know where the great town of Minneapolis was located. But after excusing and explaining, I learned a great many other things of importance pertaining to this Northwest and particularly Minneapolis. I learned that Mr. George B. Wright, the principal government surveyor of this region, was going with a party to survey a large tract of land for the government. Upon inquiring about it, I concluded to go to Minneapolis to see him, as my health was somewhat out and I was in need of employment, particularly because I could not sell my grindstones that were piled up in Chicago. Upon learning from the landlord, who sat on the other side of me, that the steamer, "Diamond Joe," the best steamer on the river, was due about this time, on the way to St. Paul, and hearing, while he was explaining this, the old bull whistle of Diamond Joe, that rolled up and down the river for thirty miles in favorable weather, begin bellowing about five miles below, and upon being informed that the boat sometimes did not even throw the gangplank unless passengers or freight appeared on the dock, I settled with the landlord for my hotel bill, for which I had previously arranged rates, and when the boat landed, which it did for an hour or so, I secured my passage in a good, airy, pleasant state room. On the upper deck I found a very capable business man going through to Minnesota, with whom I had a very pleasant acquaintance and from whom I gained many points of interest and value in practical life.

In St. Paul I tried again to sell my grindstones. I then went to Minneapolis, and not wishing to get rid of the extra quarter of bus fare, I carried my satchel from the east side station over to Minneapolis, across the suspension bridge, for which I had to pay five cents toll. I tried there to sell the grindstones, but none were wanted. Mr. Curtis H. Pettit, who kept the hardware store nearest to the bridge, remembers my coming and often speaks of it, as I carried my hand satchel

with me and presented myself to him at his front door, where he was standing without a single customer in his store, and perhaps not one had been there that day.

The war had paralyzed everything in the way of business and industry, except that of the farmer, who used his old tools and machinery without purchasing anything more to work with. I arranged with Mr. Wright to go on the surveys with him, and then having made a sale, deal or trade with D. C. Jones, the agricultural dealer of St. Paul, for the two carloads of grindstones in Chicago, I went back to arrange for this shipment and to arrange some matters in Michigan, and came back to Minnesota in time to deliver and settle for the grindstones before the surveying party was to start.

When my stock of grindstones, which I had sold or traded to Mr. Jones, arrived at the wharf in St. Paul, I was present, and Mr. Jones brought his contract to the wharf and directed the clerk to supervise the handling of the grindstones and to take out of the lot the nicked and spalled ones. When they were being unloaded I was there and met the clerk, who seemed to be a very pleasant, capable and straightforward young man, who showed me his directions for sorting out the nicked and spalled ones. After he got through with the sorting and had not had occasion to take out any of them on account of their being damaged, he said that several had some little nicks but not one was damaged so much that it was not worth more than any other grindstones of their size which he had ever seen come into St. Paul; and hence there was no dockage, as he said the lot was freer from shot or hard spots than any he had ever seen. I was somewhat interested in his frank appearance, activity, and apparent ability, and asked him what wages he was receiving. He informed me that he was getting \$75 a month, and upon inquiry as to whether that represented the current wages here, he informed me that it was not by any means the case, but that when he came three years before, he worked for only \$20 a month to begin with, and that they had granted freely an advance to this point, and he explained that it was because he had made himself so useful that they could not get along without him. Upon my wanting to get more of his name



than "Jim," I was informed that the more complete title that he was known by was Jim Hill.

Twenty-eight years afterwards, I went with Bierstadt, the painter, at the time of the exposition in Minneapolis, to see Mr. Hill's art gallery. He took us in person up to his house, and went so far as to give us prices and history of the pictures; and at lunch, which we took at his house, he asked me if I remembered the circumstances of our first meeting down on the wharf, when he was clerk for Borup & Oakes, and when I shipped those grindstones that he was assigned to sort out. I told him I certainly did, and he thereupon said that it was the finest lot of grindstones, the freest from nicks and spalls, the best in shape, freest from shot, with the truest eyes and smoothest surfaces, that he had ever seen, and told me who had purchased them.

The explanation to his key to success, expressed by making himself so useful that they could not get along without him, represents characteristic features, which, added to his commanding abilities and matchless energy, have made his life-work most useful and helpful, from a material, industrial, and economic point of view, and quite comparable to that of any person in this country.

Sir William Van Horne, the American-born citizen, who performed valuable services in building railways in Canada, for which he was honored and credited for services to his country, which were much less than Mr. James J. Hill's contribution to this country, said to me a couple of years ago in New York city, and repeated subsequently the same last year here at my home, that Mr. Hill's services in the development and settlement of the Northwest are not to any worthy extent appreciated and cannot be estimated, that his integrity and reliability as to all trusts and confidence placed in his hands cause him to be more relied upon than anyone with whom he ever became sufficiently acquainted to make a definite comparison.

He said, "Perhaps you are better acquainted with Mr. Hill and know his character and history better, and he has perhaps more confidence and good will toward you than to any of us, yet I know him from a railroad and transportation point



of view better than anyone else." He illustrated his views by saying, "If I were suddenly called upon to select an administrator, and Hill were present, and I should ask him to act for my estate, he would not care to undertake that additional trust, but would do so if I asked him; and when he had accepted, I will say that there would not be the slightest scruple about leaving my affairs in his hands. I should know that even the benefit of doubts would go to my estate, and that a complete and satisfactory business method would be used in the adjustment of all affairs. All the millions of money that have been placed in his hands to build railways with have been most faithfully and conscientiously used to carry forward to a successful termination the object in view. In pursuing his railway affairs, whoever or whatever gets in his way must get out. If he comes to mountains, he goes around them, over them, or through them, the best way to get there. His life-work in this Northwest has been invaluable to the people, far beyond their appreciation of his services." But Sir William Van Horne further said, "When it comes to competition with Mr. Hill in the railway business, well, the last time I met him in New York city, on Wall Street, we took luncheon together and we passed a very pleasant hour of time; but, I pledge you, we never passed a word regarding railroads, or traffic arrangements, or anything pertaining to them."

On the 15th of August, 1862, I was in Minneapolis and helped Mr. Wright in his outfitting, and started on the 20th of August for the government surveys. We were met, just as we arrived opposite St. Cloud, with the news of the fearful outbreak of the Sioux Indians and the murder and massacre of so many of the settlers, which was even exaggerated beyond its actual and fearful proportions. We continued on our journey to Fort Ripley and stayed there, standing guard with a view to defend the fort against an army of Sioux that were reported coming from the New Ulm country, the region of the outbreak, and also against an additional force of Chippewas who were reported as coming down from Leech lake to attack the fort.

On our way from St. Cloud to Little Falls, we met the Chippewa agent, Lucius C. Walker, coming down in a buggy with

his driver, and he seemed not so much excited as instead to have a rather apprehensive look, saying that the Indians were trailing him down and were then going down parallel to the road that we were on, but two or three miles farther east, on the old Indian trail from Crow Wing to St. Cloud. He waited a little and told us about this, and then proceeded on to St. Cloud, where he left his buggy and took a saddle horse, and, with his revolver for defense, continued his travel down the road. About three miles below Big Lake, his body was afterward found by the roadside, with a bullet through his head and from such direction and evident distance that John Armstrong, the wood dealer, who found him, said the shot came from a more distant place than would be possible if he had shot himself.

The real facts of the death of Agent Walker were never definitely known, but there were two theories, one that he shot himself, as one barrel of his revolver was emptied, and from a reported bad record in his Indian Agency affairs. This record was afterward found to be perfectly straight, and no reason whatever was found in his family or business affairs that would have the slightest tendency to lead him to commit suicide. The other theory was that the Indians killed him.

After our surveying crew had remained at Fort Ripley for some time, we came away and the party disbanded. George B. Wright and myself took the job of examining land grants for the St. Paul and Pacific railroad company, north of Minneapolis and St. Paul and extending above St. Cloud on the east and west side of the river.

After returning from the work on the railway lands, I went into the office of Levi M. Stewart, in the Dayton Block, on Washington avenue and Helen street (now Second avenue south), to continue my studies that I had been pursuing during my spare time for three or four years. While there, I became acquainted with W. S. Chapman and Henry T. Welles, the two most prominent capitalists and business men then in Minneapolis. Mr. Stewart was attorney for Mr. Chapman, who came there almost every day about land matters, and I became quite well acquainted with him, and having heard considerable about

the pine timber, although I had not seen any of it, I advised him to secure land scrip and let me locate timber on joint account, with payments of principal and interest on my part to be made from the sale of the timber or logs. Mr. Chapman readily agreed to this, and he began purchasing Sioux half-breed scrip, which he was obtaining at the very modest price of 50 cents to 75 cents an acre. Thereupon I prevailed on Mr. George B. Wright to go into the woods in the winter to carry on the government surveys in the timber, with the intention on my part to keep records of the best tracts of pine timber for location with Mr. Chapman. Although Mr. Wright said it was unprecedented and impractical to work in northern Minnesota woods in the winter, yet I persuaded him that it could be done and got him to outfit and start for the country north-east of the site of Brainerd, which town did not exist for a number of years later, and to survey several townships in which was some good pine timber. When we left Crow Wing on our way, it was 22 degrees below zero,—cold, clear weather, with about one foot of snow. The snow got to be two or three feet deep before we got through, but we surveyed two townships and a portion of a third one, when the ugly appearance of the Indians, who had not quieted down since the Indian war had begun, induced us to leave a little earlier than we should have done otherwise.

While I was at work, I received a letter from Mr. Chapman, asking me to come to Minneapolis and go with him to California, where he said the Sioux scrip was worth from \$5 to \$10 an acre to locate on redwood timber, which was very valuable and the land enormously heavily timbered. I could not leave, so he went without me, taking with him the scrip. This made my extra efforts to secure timber land notes fruitless, and so I turned them over to Mr. Wright, and he got some profit from them through lumbermen who located claims on some of the lands.

The next year I went with Mr. Wright and finished up his quite large contract of surveying. The next year after that, I went on the St. Paul and Duluth railroad survey, and remained during the early part of the year in laying out the road

ready for grading, from St. Paul up to Wyoming; and then moved on up to Duluth, to begin a return survey to meet the one running up from St. Paul. At Duluth, Mr. Dayton, president of the road, Mr. Banning, Mr. Saxton, and two others of the directors, came there to look over the situation, and as far as they could see following up the river where the road was to run, to the Falls of the St. Louis.

While at Duluth, Mr. Thornton, the chief assistant, and Mr. Gates A. Johnson, the chief engineer, were trying to locate a true meridian line by means of a solar compass, when they found themselves unable to secure the declination of the sun. They had the latitude exactly marked where Minnesota Point joins the main land, and where General Meade had laid off the four-mile base and built a level table the whole length in order to secure an accurate base to work from. He had it measured about a hundred times with rods adjusted to temperature, and took the average of all the nearest measures. From this base line he had measured the shores of the whole of Lake Superior by trigonometric surveys, without laying out any other base. Having found a Tribune Almanac, giving the length of the day, they wondered whether or not I could find the declination from those figures. I was catching trout a couple of miles farther up the shore, there being nothing for me to do in the work of laying out a meridian, as my instrument was only the level. Having been summoned, I had to leave two large trout that I had not been able to catch, for they would not look at my bait nor condescend even to smell of it.

I went back to the U. S. district land office, where the directors and officials were located, and found a formula, which, as I remember it now, was that the sine of the ascensional difference is equal to the tangent of the latitude into the tangent of the declination of the sun, from which, having the latitude and the ascensional difference, or the difference between six o'clock and the time of the setting of the sun, it is sufficient to find the declination. From this I made a table of hourly difference, and gave it to them about ten o'clock. They had secured a solar compass from Mr. George R. Stuntz, the government surveyor at Superior City, and, having made use of



my table, they laid out a line at that hour through the central portion of what is now the city of Duluth, about one-half mile in length. Having laid it out then and set up their picket, they waited until an equal time after twelve o'clock at noon, and upon testing it again, there was but two or three feet difference given for the picket at the end of a half mile distance. As this error was as much to the right after dinner as it had been to the left before dinner, the hub was put in halfway between the two, and the nail for the center. This was used in starting the transit survey from there to the connection with the line from St. Paul up to about Chengwatana, on the Snake river, some sixty or seventy miles from St. Paul. The survey starting from Duluth was followed down, and it was far into the winter, the later part of December, when we connected with the survey from the south and returned home, where I found my wife very sick and anxiously waiting for me.

The next year I secured quite a large contract in the southwestern part of the state, to subdivide a portion of Rock and Nobles counties, where General Bishop had some time before run the township lines for these and some other counties. Before going, I arranged with one of the prominent lumber firms of Minneapolis to go into the northern pine forests and survey a number of townships in the Pokegama region, and to cruise the timber lands and locate a lot of land scrip on lands for use by this firm for lumbering purposes. I was authorized to secure a lot of scrip at the price of \$3.50 per acre, and anything that I could get as a commission on this price I would be entitled to. I secured from Mr. Oakes, private banker in St. Paul, who in some way through the agency of Bishop Whipple had much to do with the Indians, a quantity of Chippewa scrip to the extent of something over four thousand acres, on which Mr. Oakes finally reduced the price to me, allowing me a commission of 25 cents per acre. Having arranged for the purchase of the scrip, it came to St. Paul from Chicago. The firm did not take it then, but said they would take it later, and, as I had to go to my surveys in southwestern Minnesota early in June, I had to leave the timber surveying and land scrip matters for this firm to settle and arrange.



When I came back, a couple of months later, and sometime before the southwestern survey was completed, I found to my surprise that the scrip had been taken up and I was not credited, a statement being made that a certain Mr. Brown had purchased this scrip for his own use; and I also found that George R. Stuntz had been engaged to do the government surveying for which I had been engaged, in the quite noted timber lands around Lake Pokegama and on the Mississippi river below.

My intention was at this time to follow railroad surveying, and afterwards to be a contractor and builder of railroads, and finally, perhaps, as Mr. James J. Hill afterward did, to become interested as a stockholder in the roads. But this disappointment of not receiving my commissions on the scrip, which would have amounted to a little over \$1,000, and the loss of the work in doing the surveying, led me to abandon the railroads and join Dr. Levi Butler in a pine timber enterprise, whereby I should secure the land notes and locate and look after the affairs in the pine timber region. I then put in the latter part of the winter in attending to some of Dr. Butler's previously arranged timber enterprises, and in the spring made my way to Pokegama in a large dug-out boat that I made at Pine Knoll, which carried me and the spring and summer's supply of provisions, wherewith I examined the whole timber region that Mr. Stuntz had surveyed.

Having made full preparations for locating the timber when the plats were received at the local land office, I succeeded in what the newspapers call a "scoop," securing almost every fine forty acres of timber that was near and most valuable, around Pokegama lake and the river below. That lumber firm failed to get one single quarter section that was good. They did locate one quarter that was in a swamp, from a wrong description of the land which they intended to locate, and the scrip was afterward removed. The breach of faith on the part of the lumber firm changed my whole course of life into that which I had not intended to follow, lumbering. Having located these lands, it became necessary for me to continue in the firm of Butler, Mills and Walker; and when the logs which Dr. Butler and Mr. Mills had secured in the winter's logging

that I had no financial interest in, only to look after it for them, came into the booms, they were taken into ownership of our new firm. Some of the east side mills were engaged and rebuilt, and through Mr. Ed. Brown, the east side lumberman, the logs were manufactured into lumber; and this work marked the beginning of the lumber firm then incorporated, of Butler, Mills and Walker.

Later in the summer, I went up by way of Leech lake with a haying crew, and went through the temporary, noisy Indian disturbance that came tolerably near ending in our being killed by the Indians; but, having finally gotten there, by way of Leech lake and Leech river and down the Mississippi to Pokegama, I secured an abundant supply of hay from the extended hay meadows running along the river, and prepared for logging that winter. I met there two very industrious Chippewas, by the name of Naugonup and Chechegum, who had locations at the outlet of Trout lake, a mile or so from where the town of Coleraine and the Walker-Hill iron mines are now located.

Finding that I intended to begin lumbering and bring in some crews of lumbermen that winter, they set to work to raise a crop of potatoes to sell to the contractors during the fall and winter. Their experience and that of Joseph Tuttle, who embarked in a civilizing enterprise at Waukenauboo lake, which I will refer to later, gave me the first real view of the calamity of socialism. These two men, Naugonup and Chechegum, raised about thirty-five bushels of potatoes on a little tract of very rich land that is now occupied by Gilbert Hartley as a summer home, in a very beautiful and attractive situation. It was covered with hardwood timber, mostly maple, and in a storm all the timber on this tract was swept down in so much of a heap that afterwards it burned off clean the great mass of wood, fuel, and brush that was available, thus completing the clearing. These potatoes were stored in holes under the houses, and some rough poles and boards were put over them for a floor. There being no road from Mr. Haney's lumber camp, six or seven miles distant, the potatoes could not be moved until the swamps froze, when they could be hauled over a summer trail that a team could go over to bring them.

The Indians at Oak Point, twenty-five miles away, heard of this horrible conspiracy on the part of these two Indians with Mr. Haney, to deprive the band to which they belonged of their natural rights to appropriate all the surplus above the day's supply and to transfer it to a lot of white men in the lumber camps. This was so repugnant to their ideas, of the rights of one fellow in the product of the other fellow's labor, that they went in force with their canoes down the Mississippi, past the Pokegama falls, and up the Prairie river and past its falls, and thence on a portage across to Trout lake, thence across the lake to the two little log houses under which the potatoes were stored, and took away across the lake and over the river and thence down, retracing their way, every potato that the enterprising two Indians had raised for their own benefit, to buy provisions and carry them through the winter. Afterward these two Indians were always at a discount and somewhat ostracized by the band, because of their attempt at robbing the band of its interest in the produce of their labor.

Naugonup and Chechegum were at that time up on Swan river above Swan lake, when the Indians came to take the potatoes. If they had been at home, very probably the invaders might have meted out to them greater punishment, even more than the confiscation of their supply of potatoes.

Several years before this, a very enterprising and capable young Chippewa Indian, named Joseph Tuttle, was sent to Albion, Michigan, by his friends in St. Paul, or by the Indian missionary association, to be educated. He went through the school course and graduated and returned to his native heath, which was at Waukenauboo or Hill lake, about ten miles south of Pokegama. He then married a young woman whom he had known before he left, perhaps being engaged to her, and started out to establish a nucleus of civilization and progressive life among his native people. He built a two-story house down by the junction of Willow river and the outlet of Hill lake, cleared up a piece of ground, put in some fish traps, was the owner of a good Winchester rifle, was a good hunter, and altogether was an industrious fellow. His house was not very large, but sufficient for himself and his family, if he could have been pro-

tected from the multitudes of relatives and friends who saw no reason why, if he caught more fish than he needed for his family for that day, they should not take the remainder. When his corn was ripe or ready to eat, or his potatoes ready to dig, there was not the slightest reason or good citizenship in his raising any objections to his friends, relatives, and members of the band, taking the remainder above the immediate needs. Nor was there any reason why, when it came night and any of them were short of blankets or wigwam room, to sleep in, they should not occupy the floor of his house, and sometimes even the second floor where he and his family were sleeping. All the game that he secured, any rice that he had left over, or sugar from his maple trees, must be subject to division, from the natural rights of the others to share the product of his labor.

Two years later I met him at Pokegama, living in a wigwam. He spoke perhaps the best English of any one around the lake. He told me that the customs of the Chippewas were absolutely a bar to progress and resulted in complete paralysis of any ambition or industry being pursued by any members of his band and race, that he had been compelled to abandon his homestead where he had located, and that he had changed his residence to Pokegama lake.

During the spring and summer and in later years in the logging operations in that region, it was our custom to employ the Indians so far as we could, as a policy, as well as from necessity; but we were quite disappointed by the fact that they worked only a little while, then collected their pay, and went off on a hunt and a resting spell. This was, as we found, because any further earnings that would leave a surplus above their immediate needs must be divided among the neighbors or other members of the band. In gathering rice in the fall, in making sugar in the spring, the custom of the Indians was to use this product to pay off the traders for supplies obtained during the previous winter, and, to very great extent, to buy back piecemeal, on credit at a much higher price, the rice and sugar which they had sold to the traders for the double purpose of settling their account and, if possible, to leave a sur-



plus that could be doled out to them during the winter, instead of having to divide it up with their neighbors.

We found that it was not indolence or lack of willingness to work, which caused the Indians to live in poverty and want, but from the inevitable outcome of the socialistic doctrine that has prevailed in all tribal life, which in the long ages before civilization began has made life a burden and a period of poverty, hardship, and dire want, through the impossibility of any person receiving the benefit of his own labor or enterprise. My observations of these experiences among the Chippewas were nearly duplicated also when carried to a trip of inspection in the South, where I found the same customs and habits to a large extent prevailing, so that they keep the colored race at the bottom and in general poverty, in place of being independent farmers, mechanics, and workmen, living in comfort and with the conveniences and advantages of life as their common inheritance.

In addressing a large school of over 1,200 negro boys and girls in Montgomery, Alabama, not long ago, I said that socialistic customs existing among them are the calamity of their people; the fact that no one could profit by his own industry and build up a home and a fortune, because he was compelled to divide up with his relatives and neighbors to that extent that it became practically impossible to advance from a renter to a landholder and prosperous citizen. Afterward the several colored teachers came to me and in the most emphatic manner expressed the view that I was the first one that had ever seemed to apprehend or understand the real cause underlying the misfortune, poverty, and hard times of the colored people of the South.

The next year but one, after Butler, Mills & Walker began operations at Pokegama, the mills on the St. Anthony side burned down and the firm of L. Butler & Company was organized while I was absent in the woods. They constructed a big mill on the east side, and in this I became interested more particularly in selling stumpage to the new firm; and finally, when it came along toward 1873, I saw the impending twenty-years' panic coming and I withdrew from the business entirely,



refusing to retain any interest in the lumber business, from which I had foreseen that our lumbermen could not stand the competition with Canada, on a free trade basis. My partner, Mr. Butler, at first agreed to join in at least suspending operations until better times, or to withdraw entirely from the further manufacture of lumber. Afterwards he decided to continue, and the result was that the panic wasted almost his entire fortune, which his will indicated to have been about one million dollars.

In anticipation of the panic, for over a year before it came, I used every feature of persuasion to induce Dr. Butler, my then partner in the firm of Butler & Walker, to withdraw and to avoid that which I considered inevitable, under the circumstances existing in the lumber business, which, even at best and in good times, gave but small margin of profit. When reverses came, they more than ate up any surplus profits above the cost of living, that the lumbermen could secure from their lumber business. At first he agreed to withdraw, but afterward made the matter worse by continuing on a less favorable basis than before. He purchased my half interest in a considerable amount of timber we owned jointly, which I let him have at one dollar a thousand less than the amount that J. Dean & Co. had rather urgently offered to pay for it. When the panic came, I had no lumber, logs, nor any interest in any milling plant, but had paid off my debts and was free from all such obligations, which would otherwise have closed out my much smaller capital and property interests.

The panic of 1873 broke down the nervous system of Dr. Butler to that extent that he never rallied from it, and after several months of prostration he died, ending a very strenuous, active life.

In 1877 I joined with Major Camp, who had some surplus capital, and began the Camp & Walker firm of buying timber and selling logs. Sometime after this, Major Camp desired to enter into the lumber manufacturing business, which I reluctantly went into, more on the policy which I have always pursued, of trying to adjust my views and the policy to be pursued, as far as it appeared not too objectionable, to the wishes

and judgment of my partners, of whom I have had quite a number, including Henry T. Welles, Franklin Steele, Levi Butler, Major Camp, Herrick Brothers, Mr. Akeley, and one or two others that I do not now name.

After my joining with Major Camp, it soon came to pass that the J. Dean Pacific Mill was for sale at auction. By a thorough investigation of the value of the mill, machinery, and outfit, for which we secured Mr. Menzel of Milwaukee to examine for us, and which was perhaps the beginning of his interest in Minneapolis, where he located and spent the remainder of his life, it was figured out that the mill and machinery were worth about \$90,000, and the real property \$20,000 or \$30,000. When the auction sale began, there were gathered in the J. Dean lumber office, next to the mill, the Harrisons, Deans, and Mr. Johnson, who owned the big iron works adjoining the mill property, and a considerable number of lumbermen, among whom several had formed little organizations or associate interests to purchase the mill. Major Camp and I concluded that we would bid up to about \$80,000, and I was installed as bidder for Major Camp and myself.

The property was started off at \$20,000, and then by bids of one thousand it went up to \$25,000 or \$26,000; then by 500's, to about \$30,000 or \$32,000; then by 100's, coming very slowly, it ran up to \$35,000; and then, to my utter astonishment, Major Camp came to me and said he did not care to go higher, although we had agreed to go more than double that. I said, "Very well," and continued on bidding; and as I was in the back part of the house, near to where the owners were sitting, the report was spread that I was just bidding up for the owners, and not in good faith for myself. That seemed to take the starch out of the bidders who had come there with the same intention that Major Camp and I had, of bidding up to \$80,000, and the final outcome was that it was struck off for \$37,500 to me personally.

The next day Major Camp came to me and said that, if I was willing, he would be glad to take a half interest in the mill and make use of it in manufacturing the logs from the timber that we had secured. This established the firm of Camp &

Walker, which continued for eight or ten years, until I became weary of trying to make a sufficiently profitable lumber manufacturing business by cutting only twenty millions of logs in a season, when there was about as much overhead or general expense as there would be in cutting forty or fifty million. As Major Camp refused to go beyond the small cut, we decided to sell the mill. I then embarked in the northwestern enterprise of manufacturing lumber at Crookston and Grand Forks; and Major Camp withdrew or retired on a comfortable fortune and property interests that we had together, including the Central Market and the property around it, together with some timberland interests in the pineries.

The beginning of my lumber manufacturing on the Clearwater river was owing to the fact of my having sold logs to the lumber firm of Jarvis & Barridge of Winnipeg, who failed to meet their payments so that I had to take security on the lumber sawed and piled; and afterward, through the agency of the banks in Winnipeg and Montreal, I closed out and secured most that was due me and canceled off the balance.

As I had continued lumbering on the Clearwater river, I began the construction of a mill at Crookston, in which I manufactured lumber from as many logs as the limited driving facilities of the river would allow, until later when I constructed another mill at Grand Forks, which I ran for several years. After this later mill once burned down, I rebuilt it, and when it was destroyed a second time I did not rebuild it, but gave the millsite and boomage to the city and closed out the business.

The plant at Crookston ran for some time afterward, and then was sold to the Shevlin-Carpenter Company, who have been running it from that time to this.

In 1889 a general agreement to sell my Minnesota timberlands to parties in Michigan was made, with terms, conditions, and estimates arranged; and, presuming that the sale would go through, I turned my attention to the western coast, to secure there a tract of timber to continue lumbering after closing out here, more on account of my sons, who had all decided to go into the lumber business. I began explorations of the

western timber from Montana through Idaho, Washington, Oregon, and California. My many years' superintendent, Mr. Kline, with many assistants, explored all of these states in a general way, at least sufficiently to determine the advantages of each; but as the timber deal that I had arranged here fell through, from serious misfortune in one of the families, I did not follow up the western timber deal until 1894.

While I was in New York about 1890, my superintendent of logging and general business man, Mr. F. J. Kline, who was a graduate of Chicago University and was with me thirty-seven years, telegraphed to me that a man from Michigan, Mr. Healy C. Akeley, was looking for a location for a millsite at St. Cloud, with a view of handling the Itasca Lumber Company's timber that Mr. Turnbull had arranged for in northern Minnesota. I therefore wired Mr. Kline, to ask Mr. Akeley to wait until I got home, as it would be a serious drawback to Minneapolis, and to the whole lumber interests, including himself, if he should locate on the highway of our logs coming to Minneapolis, for which reason I urged him to wait until I could get back home. I started immediately, and came back to Minneapolis. I had never heard of Mr. Akeley before. He lived at Grand Haven, Michigan, and had been extensively engaged in lumbering with parties in Chicago.

When I came, I went over the map with him, showing him the misfortune that would come to all parties if he located on the river where he would not be able to handle the four or five hundred million of logs coming to Minneapolis, from which he should sort out his, whatever amount it would be, which at most would be only a fractional part. After talking this over with him, he turned to me and said, "If I should come here, I do not suppose that you would sell me an interest in your timber?" This was rather a stumper, as I had then not the slightest thought of selling to him or anybody else any interest in the timber that I owned in that great area around Leech lake and extending off beyond Itasca lake.

I did not know what to say, but I had been advising him to come to Minneapolis and manufacture lumber here, so that I said to him, "I have no timber for sale, at least have had no



intention of selling, excepting to sell logs or stumpage; but if you wish to buy a half interest in this large uncut tract, I will sell it to you." Thereupon he asked how much timber there was per acre, and how many acres there were. I had no map, as I did not have any expectation of having to use it, so I explained to him about how much white pine and how much Norway pine there was on the land, and made a general guess only, as to the acreage, which was quite a large tract. He then inquired when I would want him to pay. I told him that could be arranged by making a sufficient cash payment and leaving the remainder on a moderate rate of interest until it was paid off. He then said, "I will see you about this tomorrow."

The next day I went back and carried a map and showed him where the timber lay. The timber that I offered him was in what was then a remote timber region, which my competitors and friends in the lumber business had decided I needed a guardian for locating, as they looked upon it as inaccessible timber that would cost more to log and drive than it would be worth when the logs were in the booms.

I told Mr. Akeley what these reports were, but explained to him that there were practicable ways of handling the timber, and that it would soon be necessary to reach that more distant timber in order to supply the mills with logs. He then said that he would purchase a half interest in this timber at the prices I named, and would pay me a very considerable sum in cash and the balance in deferred payments, running over a couple of years, if that would be satisfactory to me. I informed him that that was entirely satisfactory and that he could have the timber on those terms, and he said: "Very well, I will take it." I then said, "I suppose you mean after you have examined the timber;" and upon this he said, "Well, you know what you are selling." I said, "Yes, but how does that show to you what you are buying?" He then replied, "As you have looked up the timber, I have looked you up, and that satisfies me as to what I am buying."

We closed the deal, he paid me the money, and I gave him a list of the lands, but he did not call on me for a deed for twelve or fifteen years. He afterward expressed great regret



that he did not confine his entire operations in Minnesota to his dealings with me, as these have been very satisfactory and profitable in place of the reverse in his other operations.

After several years of experience in the timber industry, I found that the lumbermen on our side of the line could not compete with Canada successfully, to make a reasonable profit, excepting in the favorable years that came around occasionally. The Canadian lumbermen were favored in quality of timber and market facilities, and in special favors from their government, while our lumbermen were handicapped by prejudiced treatment and discrimination, even to persecution for practices that were freely given in Canada. Timber supply, taxation, wages, and freedom of organized business and co-operation, were all strongly in their favor and against us. In seasons when the market had been overstocked by the floods of lumber from Canada, bringing hard times and failure, it made conditions for the lumber industry here the least favorable and the least favored, through adverse laws and their enforcement, and through public prejudice without just cause, that pertained to any industry or occupation.

When from these causes the lumber trade was prostrated and lumbermen largely closed out, then, upon recovery, a number of years later when the demand exceeded the supply for several years and prices went up temporarily, there was a margin of profit in lumber. I watched carefully the signs of the times and the prospective coming of the panics, which prejudiced treatment of the lumbermen aided materially in bringing on and intensifying; and when the panic or depressed years could be foreseen, I got from under, as in 1873, and also in another period of depression about halfway between then and now.

In 1892, I provided for the anticipated panic of '93 by selling logs and stumpage and some tracts of timber and some stocks, bonds, etc., from which proceeds I could see my way through the panic. I cut no logs that winter excepting a small stock on the Clearwater river, and in this way would have been comfortable during the panic, had it not been for others who were satisfied that no serious troubles were in store and re-

fused to make any arrangements to provide for such financial troubles.

In 1894, I began the timber enterprise in California, which had been explored in 1889 but had been laid aside because the sale of my entire tract of Minnesota timber was not completed as I had made agreement for it. I have since then secured a large tract of timber in northeastern California, in Siskiyou, Shasta, Modoc, Lassen, Plumas, and Tehama counties. It is the best and finest tract of pine timber left in the country, and it is being made accessible by branch lines of the Southern Pacific railway, of about one hundred and fifty miles. This railway line is completed and ready for operation to within fifteen or twenty miles of the new town of Westwood, where we are installing one of the largest lumber plants in the United States. We have one preliminary mill built that has furnished lumber for houses for about twelve hundred people, and the superstructure of a very large plant is about completed, for which the machinery will be available in a month or so by means of the completed railroad line.

In 1895, I made a stumpage agreement with several prominent lumber firms for the sale to them of the Walker & Akeley timber, and also, at the same time and terms, to cover the Pillsbury timber in the same territory that I had been engaged in locating for them. This was the largest timber contract that has been made in Minnesota. The logging company, consisting of the lumber firms of the Brainerd Lumber Company, Nelson Tenney, E. W. Backus Co., J. W. Day & Co., and the Carpenter, Lamb Co., was called the Minnesota Logging Company. They built the Brainerd & Northern railway to Leech lake and beyond, and cut several hundred millions of logs, when the continuing depressed prices and hard times led them to an adjustment and cancellation of the contract with Walker & Akeley and the Pillsbury Company.

About 1898, I decided to build a mill on the Upper Crow Wing lake, where I located the town of Akeley and changed the name of the lake to Akeley lake, in honor of my partner, Mr. H. C. Akeley. I had fifteen million feet of logs in the lake, which I had cut for a Michigan firm who had agreed to build

a mill at that point, and I was to supply them with sixty millions of logs for a term of years.

Among the many beautiful regions of northern Minnesota, explored by timber cruisers and first occupied by logging camps and lumbermen's mills, none surpasses the vicinity of the villages of Akeley and Walker, with the very remarkable and unique Crow Wing chain or series of lakes. When nearly all the pine timber has been cut off, after many years the stumps left by the axman will disappear, leaving no reminders of the first great industry of this region; but it then will be not less valuable for the stockman and farmer than formerly for the logger and lumber manufacturer. Pasturage, mowing lands, and cultivated fields, are taking the former place of the pine woods.

About twenty years ago, before the founding of these villages, this chain of lakes was examined by Warren Upham and Prof. J. E. Todd for the Geological Survey of Minnesota. Their descriptions are published in Volume IV of its Final Report (pages 77 and 84-88), which show that many interesting questions connected with the glacial and modified drift deposits, and including the origin of this series of lake basins, await further investigation.

The first sawmills in St. Anthony and Minneapolis marketed their lumber by rafting below the Falls, over which the lumber was carried in sluiceways down to the quiet waters, where the lumber was put in rafts containing one million or two million feet. The rafts were taken down the river sometimes by steam tugs and sometimes being floated with the current and steered by very large rear oars that kept them in the channel. This piloting required very careful work and experienced men to avoid breaking the rafts on the curved banks of the river and on the bars and shallows.

After the coming of the railroad builder in 1862, and with the great extension of railroads during the decade of 1870-80, they have ever since furnished abundant outlet to eager markets for all the lumber manufactured from the once immense but now nearly exhausted Minnesota pineries.

# REMINISCENCES OF THE EARLY DAYS OF MINNESOTA, 1851 TO 1861.\*

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BY REV. FRANK C. COOLBAUGH, S. T. D.

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In the early days of which I speak there was no zealous rivalry, nor even friendly competition, between the Twin Cities. Minneapolis was not yet on the map, and St. Anthony was only a wayside village; while St. Paul had already assumed the form of a thriving and bustling city, of prosperous proportions, with two thousand people or more, the capital of the Territory. Of course there was a town of St. Peter, on the St. Peter river, the would-be rival and competitor for capital honors, but it was of less size, less prospects, and far away from the temporary and permanent head of navigation. For no little time both St. Peter and Minneapolis later strove, with much federal aid and no little misappropriation of money, to become the head of navigation, but all efforts and subsidies proved vain. Nature discountenanced, disfavored, and rendered futile all such artificial efforts.

Above the Falls of St. Anthony stretched an unbroken wilderness of prairie and pine forest, trodden only by the foot of the wandering red man. At the confluence of the Mississippi and St. Peter rivers stood Fort Snelling, with its stone walls and frowning batteries, the military guardian of the unbounded West. Opposite to the fort and beneath it, crouched the modest hamlet of Mendota, wherein dwelt that prince of men, Henry Hastings Sibley, whose humble but baronial home yet stands as a memorial of him, the first governor of the state of Minnesota, and at no time less than among the first and foremost of its pioneer citizenry.

The textbook of geography in 1845 speaks of all this region as a country "unknown and occupied by Chippewas, Menominees, and other Indians; wild rice in the marshes, furnishing food; the soil fine, and certain districts rich in mines of iron,

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\*Read at the monthly meeting of the Executive Council, May 12, 1913.

lead, and copper." Be it observed that so late, then, as only six years before my personal observations begin, this section was reckoned as unknown, an unexplored region.

In 1848 Hon. Stephen A. Douglas introduced a bill into the United States senate, which became a law March 3, 1849, creating Minnesota Territory, to which a governor was shortly appointed. In 1851 all that land about Fort Snelling westward of St. Peter river and the Mississippi was a military reservation under the immediate control of the commandant of the fort. Minnehaha sang its joyous notes to the wild Dakotas and the birds of the air. Two white men with their families, alone, lived on the entire reservation, leagues in extent, Philander Prescott and John H. Stevens. Prescott came hither in 1820 as a clerk to a man named Devotion, who first brought merchandise here for the Indian trade. About two years later the Columbia Fur Company brought the second installment of goods and opened extensive trading with the Indians. In 1826 Joseph R. Brown made a claim near "Little falls," or "Brown's falls," as Minnehaha was then called, but he abandoned it in 1830. An impression had prevailed that farm products would not mature in this high latitude, and all military provisions were shipped from the south until 1823, when the soldiers under Lieutenant Camp experimented in potatoes, corn, cabbages, and onions, and discovered that they would grow and mature.

Early pioneers from the Hudson Bay Company and the Selkirk colony had settled on this reservation in 1827, and onward, but were driven off by the United States soldiers in the year 1840, and their houses were torn down or burned. Abraham Perry, having large herds of cattle, was forced from his claim. He pitched his tent on the east side of the river, beyond the limits of the reservation. Philander Prescott, government farmer for the Indians, broke the first sod outside of the vicinity of the fort, on a piece of ground near lake Calhoun, in 1830, under the direction of Major Lawrence Taliaferro, government agent of the Sioux. On that very spot in August, 1852, my sister and I, with the family of Dr. A. E. Ames, picked bushels of wild strawberries. The abandoned cornfield was literally one vast bed of the prolific and luscious native fruit.

Prescott's house and his small farm adjoining it were but a few rods from Minnehaha creek and its waterfall. He was



married to an Indian woman of the Dakotas, and they had a large family of girls and boys, whom I knew. Owing to his marriage and kindly spirit, he was most influential among the Indians, and was not less popular among the incoming white settlers. He was the first white man to fall a victim to the savage butchery of the massacre in August, 1862. His death was a sacrifice for his fellowmen. Aware of the conspiracy among the hostile Sioux to rise and destroy the palefaces, he sternly opposed it in secret council and also openly. He was ambushed and murdered, lest his better and wiser counsels should prevail.

It may be well to recall that the portion of our state west of the St. Croix river and east of the Mississippi, in which the greater part of the city of St. Paul is located, was originally in the Northwest Territory ceded by Virginia to the United States. Out of that generous cession were created Ohio, Michigan, Indiana, Illinois, and Wisconsin, and so much of Minnesota as lies between the St. Croix and the Mississippi; but the larger part of this state west of the Mississippi, including Fort Snelling, comes of the Louisiana Purchase from Napoleon Bonaparte for fifteen million dollars in 1803. Thus the area of Minnesota's tenure passed through not less than six or eight jurisdictions before it became either a territorial or state unit. Referring to this peculiar fact, General Sibley was wont to remark jocosely, "I was successively a citizen of Michigan, Wisconsin, Iowa, and Minnesota, both state and territory, without changing my residence at Mendota."

The second of the two men living on the military reservation in 1851 was Colonel John H. Stevens, a veteran of the Mexican war, the first settler in Minneapolis proper, in 1849, ever a prominent and influential citizen. I well recall his cottage, a story and a half in height, perched on the very edge of the river bank, and hard-by the landing place of the ferryboat, of which Captain John Tapper was for a long time the able-bodied and trusty ferryman.

The ferryboat itself was of the primitive character familiar enough to all pioneers, whose running stock consisted of a rope cable stretched from shore to shore, the river's current supplying the force to drive it to and fro according as the movable keel or side board was raised or lowered.

General James H. Baker has well stated, in his sketch of

Governor Alexander Ramsey, how much is due to the statecraft of Sibley, the skill of Ramsey, and the combined wisdom and diplomacy of both, with the government and in treaties made in 1851 with the Sioux Indians, in securing so vast a fertile region on the west side of the Mississippi, claimed, occupied, and sold by the aboriginal tribes.

In 1851, between St. Paul and the village of St. Anthony there stretched an old Indian trail, used as a highway, midway of which stood a solitary road house or tavern, known as Desnoyer's, whose deep dug well and iron-bound bucket furnished water to the laboring horses, and whose bar quenched the not less thirsty pioneer. Of its kind it was a sort of Samaritan inn, such as yet stands on the downward slope from Jerusalem to Jericho, a resort for the wayfaring and weary man, but so decently kept that no scandal or scene of riotousness was ever associated with it.

It was in August, 1851, when the Coolbaughs, with other passengers, disembarked in St. Paul from that famous old Mississippi steamer, War Eagle, and stepped for the first time on the soil of Minnesota Territory. We had come immediately from farm life in Winnebago county and from Freeport, Illinois. My father's health failing, he was advised to seek a higher latitude and healthier climate, and, hearing of Minnesota, he sought a new home here. We came as a family from Pennsylvania, from the banks of the Susquehanna in Bradford county.

My father, Daniel M., was of German descent, yet represented by the Von Kaulbachs of the fatherland. The first Coolbaugh in America is said to have come twenty-three years after the Jamestown colony of 1607, a sea captain from Holland. My mother was of English blood, born in Stockbridge, of the Massachusetts Whitneys, whose names are enrolled among the minute men of 1775, similarly as members of my father's family furnished recruits to the worn and battered ranks of Washington's army at Valley Forge.

Our journey from the Susquehanna to Rock river, Illinois, was through that long stretch of country known as "the Overland Road West," in a prairie schooner drawn by four horses, camping by the wayside when taverns were not at hand. When we subsequently landed in Minnesota, we were five in number,

my father and mother, my sister, a baby brother, and myself.

The day we disembarked was fair and beautiful. The scene that first met our eyes was not unattractive. Tall rugged cliffs of white sandstone, capped with gray limestone, rose to view as we looked westward on both sides of the river. A few scattered shacks and larger warehouses confronted us, while farther up the hill shoreward we beheld scattering stores and some few residences. To the right and eastward, near and far away, stretched a great wide-spreading green morass, looking so deep and forbidding that seemingly no foot of man could traverse it; but all that waste has long since been recovered and now is occupied by the Union Station, its extensive yards, and the very many wholesale and other establishments in the immediate vicinage.

A pleasant feature of our voyage up the Mississippi was the passing of certain points that have since taken on increase of size, city form, and urban beauty and interest, such as Winona, Red Wing, Hastings, each of these being then marked as habitations only by slab shacks and Indian tepees. Alongside of these places, the War Eagle discharged her cargo of live stock. The work was accomplished by the cattle being forcibly pushed over the gunwales, and each beast, as it fell, was submerged for the instant, then rose, and, expelling the water from its nostrils, made for the shore, a process so rude and novel that it brought every passenger to view the scene.

Among the most notable incidents, however, was the appearance on board of the governor of the new territory. Young as I was, I had already noted the presence of this stranger among us, a tall, stately man, dark visaged, heavy-browed, of giant form, whom my father introduced afterward to my mother as Alexander Ramsey. A feeling of satisfaction and added security seemed to pervade the body of passengers when aware of the companionship of the chief magistrate of our destined home. I still clearly recall my first sight of this great man, for as such we Minnesotans can truly think and speak of him. In the fullness of health and maturity of vigorous strength, Ramsey stood a prince among men. I have heard it said that when Daniel Webster was in London and walked the Strand, or threaded the not less crowded Hyde Park, passersby would stop and question each other, "What

king is that?" Such was the dignity of Webster's carriage, the massiveness of form, the majesty of brow, the eagle eye of the great Expounder of the Constitution. Similarly Governor Ramsey throughout all his life exercised a powerful personal influence. He needed no crown to mark the dignity of his bearing, the royal majesty of his nature, or the wisdom of his reign and rule.

With Ramsey at the helm, whether in St. Paul or in Washington, with his inspiring genius and commanding figure, there never was any question as to how Minnesota stood or should stand during the trials and despondencies in the Civil War. It has ever seemed to me that with the glory of the old First Minnesota Regiment and its heroic deeds of valor, at Gettysburg and on other fields, should be interwoven the life-story of Alexander Ramsey, who was the first governor among all the states to proffer a regiment to Lincoln at his first call for troops in the beginning of the war.

Finding a temporary shelter for the family, my father proceeded at once to St. Anthony on a prospecting tour. In his absence we who were left behind, a Sunday occurring, attended the only religious services known to us at that time, that of the Rev. Edward D. Neill, whose subsequent career proved him to be one of our state's most accomplished gentlemen, scholars, and authors. Later, during the early years of my ministry in the Parish of the Holy Trinity, St. Anthony, we became friends and neighbors, when he assumed the presidency of the newly created Macalester College, located then in the heart of St. Anthony, being opened and maintained some years in the large stone structure known as the Winslow House. This hotel was an adventurous proposition, having been built for the accommodation of wealthy southern patrons, who early flocked hither in summer time with their negro slaves. Upon the breaking out of the war, they deserted in a body, which ruined the patronage and prospects of the Winslow House, so that this large building stood unused till the founding of Macalester College.

With my father's return from his prospecting tour, we learned that he had determined to make St. Anthony his home. Thither immediately he, with my mother and the other children, drove in one of the old fashioned Concord coaches, drawn by four horses, of the stage line owned by Borup and



Oakes. I was left to follow with the household goods. Seated beside the driver on the top of the high piled furniture wagon, it seemed a long and toilsome way to the Falls. Having passed Desnoyer's halfway house, suddenly the driver left his seat, and, seeking the road, brought back in his hand a horrid-looking instrument, which he described as an Indian scalping knife. From that hour on till we reached the village, I was in mortal terror lest a painted savage might spring from behind a tree and scalp us.

Being settled in our new home, we children began to attend the school, in its building on University avenue, about two blocks from the Winslow House. Of this school E. P. Mills, E. W. Merrill, and D. S. B. Johnston, were teachers at different times. It was the foundation and beginning of the State University. A Congregational meetinghouse was already built, and a minister of that denomination settled, the Rev. Charles Secombe. An Episcopal church was also in process of erection, of which twenty-one years afterward I became the rector.

The year 1851 was of the period when the flood tide of immigration set in, transforming the territory in a short time and at a rapid rate into the full age and strength of other commonwealths. The people who flocked hither were not of foreign birth and polyglot tongues as now. They were native-born citizens, some being stalwart sons of Maine, from the pine forests of the Penobscot, who loved the echoes of the resounding axe; others came from the rugged hills of Vermont and New Hampshire, and from the low shores of Massachusetts and Connecticut, sturdy and intelligent pioneers; yet others were from the Empire State, and not a few from the steep hills and the beautiful valleys of Pennsylvania, and from the City of Brotherly Love. Of the foreigners who came, France, Ireland, and Scotland furnished the larger part.

A finer class of people, I am led to indulge the thought, never sought the West than those who first came to these shores of the Mississippi. They flocked here not only from the states mentioned, but from "Little Rhody" and New Jersey, also Buckeyes from Ohio and Hoosiers from Indiana, with now and then "the man from Missouri," and a scattered few from Virginia and Kentucky, of pure English blood, gentle manners, and large vision.



Some of you may remember the address of Gov. John A. Johnson, remarkable for its winsome simplicity and pure eloquence, delivered Commencement Day in 1907 at the University of Pennsylvania. He happily touched upon the close relationship existing between that state and Minnesota by reason of kinship and mutual sympathy, and through Governor Ramsey and other less notable but worthy folk coming from thence. As a fact, two of our territorial governors were from Pennsylvania, and, of the state governors, Miller, the fourth, and McGill, the tenth, were also natives of Pennsylvania. Thus four of our chief magistrates came from the Keystone State.

Without disallowing or lessening what was so felicitously spoken by Governor Johnson, in the beautiful and tender allusion to the feeling of fellowship between the great state of William Penn and Minnesota, the thought may be extended without attenuation of the chain, that Minnesota is bound not only by more than a fourfold tie to Pennsylvania, but also by a bond of many ply to other states which have contributed largely to the Nation, whose sons came to Minnesota to help lay deep and strong the foundations of a new commonwealth not less great than that of their fathers. Let us not forget that if our state stands not far from the foremost of seven and forty sister states, it is not our rivers and lakes alone, our forests, our broad acres of fertile soil and waving grain, that in fifty years have elevated Minnesota to her place as the great cereal and dairy producing area of the continent, with other features, not less contributory to the welfare of humanity, not solely her natural resources, great and manifold as they are; but more is due to the spirit, the inexhaustible energy, and the resourcefulness of her high minded citizenry, who have enlarged and ennobled the annals of accomplishments, not less in the field, in shop and factory, by the arts of peace, than on the battlefields of our great Civil War, for liberty, justice, equality, and the preservation of the Union.

I am not ashamed to confess that my heart swells with pride when I think of the long list of honored names Minnesota has enshrined in her bosom and inscribed, too, on the deathless roll of fame, not all equally known and published, but each in his place and function helping to approximate to the fulfillment of duty, rendering civic, social, and moral benefit to his state and

nation, according to the ability within him, and in the figure employed by Paul when speaking of a temple growing into the stateliness of perfection, "by that which every joint supplieth."

In 1853 it began to be understood that the officers of Fort Snelling were not so opposed to the occupation of the Military Reservation as formerly. Two men were already there, Philander Prescott and Col. John H. Stevens. Another ventured over, Calvin A. Tuttle, moving into the abandoned barracks which the soldiers had occupied while constructing the government sawmill and grist mill in 1821 and 1823. Under their long, low-browed roof, the first funeral in Minneapolis occurred, upon the death of a child, my sister singing the appropriate hymn.

Other men crept over the river as if by stealth. Among the first was Anson Northup, the early adventurer who built the first hotel in Stillwater in 1846, the American House in St. Paul, 1848, and the St. Charles in St. Anthony in 1850. He also ran the first steamboat on the Red river of the North. His house stood on the high bank facing and overlooking the Falls, near the site of the great Washburn flour mills. Dr. Alfred E. Ames, whose family came from Belvidere, Ill., also moved over and built a house in 1853. At his suggestion, my father moved over, making a claim of eighty acres and building the third new house. Other pioneers followed thick and fast, and soon the west side was spotted with little habitations.

Recognizing the fact that with such abundant water power an industrial town would likely spring up, the settlers organized an association for self protection, agreeing that no one among them, squatting near or about the Falls, should lay claim to more than eighty acres of land. This was strictly adhered to, and the same association administered such law, justice, and punishments, as it deemed necessary; for as yet there was no court, no judge, no jury. "Jumpers" and other undesirable intruders were unceremoniously notified, and, if necessary, they were forcibly and bodily ejected.

In 1851 a newspaper was published on the east side, called the St. Anthony Express, under Elmer Tyler, edited by Isaac Atwater, who was assisted directly or indirectly by several other young men, as Colonel Spooner and George D. Bowman. All these young men were poor, and it was understood that they

were "keeping bachelor's hall" in the printing office. It was reported that they lived principally upon mush, milk, and molasses. Whether true or false, it matters little, but one thing I do know, that the young editor was inured to hard fare and plain living; for I heard him say some years later, in a public address delivered at the laying of the corner stone of the great Episcopal schools in Faribault, that when working his way through Yale College it was his habit to eat for his noonday meal the cold boiled potatoes left over from his breakfast. I visited the printing office one day, and upon the huge stove, centrally located for the diffusion of heat, I saw a big iron pot and within it a seething, bubbling mass of yellow meal. Few lawyers had a more extended or lucrative law practice than Judge Isaac Atwater, who became a resident of the west side, accumulated a large fortune, and died not long since at an advanced age, laden with honors, leaving generous bequests to church and eleemosynary uses. Mr. George D. Bowman, who had studied at Bowdoin College, was for a time an inmate of our home, a young man of rare taste and fine education. To him, following the suggestion of Charles Hoag, is to be accredited the public adoption of the future name of the growing town, Minneapolis, "the Minnehaha City." He advocated this name in the Express, and talked not a little about it.

Charles Hoag and Miss Marion Coolbaugh taught school in the First Presbyterian church, which, in allusion to its very slender spire, was called "the Toothpick." Rev. Dr. Knickerbacker, the Episcopal pastor, later bought the "Toothpick" church, and established in it the first parochial school. This school was taught by Mrs. W. E. Jones and Miss Leonora Hall, who later was the wife of George H. Christian.

Minneapolis soon began to have its own newspapers. In 1853, the Northwestern Democrat appeared, beginning in St. Anthony under George W. Prescott, but the next year it was sold to W. A. Hotchkiss, who moved it to the west side of the river. Electa Hartwell and my sister Marion folded the first Minneapolis issue, from the old Franklin hand press. In 1857 it was again sold, to Mr. W. F. Russell, who changed its name to The Gazette. After other changes of both name and ownership, the paper came into the possession of Hon. William S. King, who rechristened it as The State Atlas.

The Chronicle was started in 1866 by my friend and school-mate, Willard S. Whitmore, nephew of Congressman Cyrus Aldrich, associating with him Col. John H. Stevens, Fred L. Smith, and Col. Le Vinne P. Plummer. The following year it was joined to the Atlas and appeared under the name of The Tribune.

The original sites of St. Paul, St. Anthony, and Minneapolis, were far more attractive in their natural setting and landscape beauty than would now appear, even under their present urban improvement and embellishments. Wooded hills surrounded one and all. Not the least attractive was St. Paul, whose entire early settlement nestled closely within the valley of the circumjacent and overlooking hills. The rough and rugged cliffs, of snowy whiteness as seen from the river's edge, were surmounted with a heavy growth of oak and pine. The natural and simple grandeur of the Falls of St. Anthony, unbroken and undimmed by the later constructions of apron and dam and mills, cannot now well be conceived of, even in the glow of a fervent imagination. They were grand and beautiful, as every old settler can testify.

The lofty bluffs in the rear of Minneapolis, crowned with a rich growth of stately oaks, stood as a splendid background to a picturesque landscape. Along the summit of these ancient cliffs ran a well-worn footpath, an old trail, giving touching evidence that the red man appreciated these heights and sought the solitary haunts to enjoy the beauty of his native land. One autumn night from the top of these natural watch towers, I beheld the oft dreaded prairie fires, raging in many distinct and far separated places, illuminating with spectacular and fearful splendor the darkness of the sky.

Another feature, not the least interesting to the lover of humanity, has been withdrawn. Three tribes of the North American Indians centered around the Falls of St. Anthony, the Winnebagoes, the Sioux, the Chippewa. Their trails centered at and radiated from the Falls, like the spokes of a wheel to the iron-bound felly, leading to and from their respective homes and hunting grounds. Here, on the broad and smooth rock ledge above the Falls, they forded the river on foot and astride their ponies. Not infrequently bands of these several tribes peaceably invaded our settlement, danced in our streets,



and sought our favor and our gifts of bread and pork and beans. Of course they were armed, each equipped with tomahawk, scalping knife, bow and feathered arrow, or flintlock gun. Scalps hung at their waists, and eagle feathers adorned their head gear and war locks, bearing conspicuous but silent evidence of battles fought and enemies slain.

To their credit, be it said, however, that during all their close neighboring and frequent visits (not wholly unwelcome to break the monotony of frontier life), I never knew nor saw an immodest act of Indian maid or woman, nor did I hear of theft, crime, or misdemeanor. Law or no law, little "fire water" was sold or given to these children of the forest, and though I saw hundreds at a time, and not at infrequent intervals smaller groups and scalping parties, and at one time several thousand, yet I saw little intoxication. I say it boldly and gladly, in the defense of the much abused and maligned red man, that the Indian of early times, uncontaminated by the bold, bad white man, was not of and by himself the vicious, hostile, repulsive, defiant creature so oft depicted. If from his original estate he has fallen into the low, sneaking thief, tramp, robber and cut-throat, dissolute and debauched, it is the white man who has done it, who has injured and betrayed his simple habit and confiding nature.

You may call me wise or call me foolish, but I am now, and for life long have been, the constant friend of the red man; and I say unhesitatingly that I believe Fenimore Cooper has not more greatly or erroneously exaggerated his native virtues than his adversary has grossly distorted his vices and traduced his virtues. I have some sense of the smiling incredulity with which I may be heard, but I have not the less assurance of the fairness and justice of my judgment, formed from personal acquaintance and from the observation of wiser and better men.

The venerable Bishop Whipple, known among the red men as "old Straight Tongue," because he always told the truth, used to quote Generals Miles, Meade, Sheridan, Halleck, and other officers, to attest that not one treaty out of the many had been fully and fairly carried out by our Government. The Bishop was further wont to say, that in all cases where the Indian had been charged with wrong and misdoing, later investigation and subsequent facts proved that these acts were



invariably in retaliation for the white man's prior misdemeanors, not less cruel, not less injurious, murder and outrage being not excepted.

In 1872, as United States commissioner, with others, I visited the various tribes of Chippewas from Leech lake and Lake Winnebago to Red lake, tributary to the Red river of the North; and during the length of those days I found them as I knew them in the earlier days of my boyhood, unperverted, friendly, a faithful and confiding group of men and women, ready and willing to be led, and brutish only when misled by swinish lusts and distraught and maddened by the fiery flames of the paleface's whiskey. I met Hole-in-the-Day, knew Little Crow, Good Thunder, and other less notable chiefs and head men of the Northwest, and not a few of the common rank and file. I can even say that I knew "Old Bets," of long and doubtful recollections, here in the city of St. Paul; but there were better days even for her, the earlier, when fairer things can be well said, before she became a common vagrant.

Will you bear with me while I relate a single incident? In Lafayette, Indiana, I met a lady parishioner, who chanced to show me a daguerreotype which she cherished with the fondest attachment. To my great surprise, it was that of "Old Bets." The lady was the daughter of an army officer who had been sent with his company to occupy Fort Snelling. She was born while the company was in winter quarters on the little island in the Mississippi just below the Fort. The company was there encamped because of the insufficient barracks of the uncompleted fort. Strange to say, upon this lady's birth, "Old Bets" or "Young Bets," as it was then, was summoned and acted as nurse to mother and child. So kind and so gentle, so efficient were the services of the Indian girl, that the lieutenant and his family ever cherished the kindest thoughts and warmest affection for her.

The first building used in Minneapolis as a schoolhouse is said to have been an abandoned lumbermen's camp, a veritable shanty 20 by 30 feet in size, on Anson Northup's land, near his house, and hard by the present St. Paul and Milwaukee station. Between it and the site of the station was a small, deep pond, in which the boys used to swim during the noon recess and after school. In front was a wide-spreading swamp, where

cowslips grew in abundance, and the white and yellow moccasin flowers. The teacher of this school was May Miller, sister of Col. John H. Stevens' wife, later Mrs. Robinson. She was succeeded by a seafaring man, Green by name, who, learning the utility of flogging in the English navy, extended its service lustily and at short intervals upon us boys.

I recall several other private schools in different places, one especially on Bridge street, taught by Miss Electa Hartwell, since we boys used to infest the baker's shop just over the way and invest our change in gingerbread, in pieces of so large dimensions that we were wont to speak of them as "quarter sections," not an unfamiliar term or epithet to the sons of pioneers. Mr. A. K. Hartwell, a brother of Electa, also kept a school in Fletcher's Hall on Helen street.

In November, 1858, the historic Union School, a two and a half story brick building, built by the city, was opened under George B. Stone, with a staff of teachers, two of whom were Mrs. Lucy Rogers and Mrs. S. B. Grimshaw. At a later time, when the city of Minneapolis wanted the block of land on which this first schoolhouse stood, to erect the present City Hall, the block was found a portion of my father's original plat of eighty acres, secured, patented and owned by him, then and now, recorded in the county records under the name of D. M. Coolbaugh. Under the ruling of Judge Lochren, this valuable piece of property was adjudged forfeited by our family on the score of its having been in possession of other hands for twenty years without protest, no witnesses nor documents appearing, either of his giving or in any wise disposing of the same. Here in this school I acquired a sufficiency of Greek and Latin and other knowledge to gain an entrance to an Eastern college.

Mr. George B. Stone was called from Fall River, Mass. He was a graduate of Brown University, a ripe scholar and skillful teacher, a wise disciplinarian and thorough organizer, under whose guidance the several city schools took form and order. All of the old surviving pupils, as I myself, look back with precious and grateful memories to the sweet and tender, but strict and strong, personal influences he brought to bear upon us. Under his loving and masterful sway we had to work, learned to work, and, further, learned to love the work. His was the most thorough and rigid discipline I ever knew, of

which there was no let-up until we acquired the habit of absolute self control. He put every pupil upon his honor, both as to behavior and study, and then attended to our keeping it untarnished. In the due course of time, the order was most perfect and self regulating, and the zeal and interest in study unequalled. Mr. Stone resigned to accept the broader field and more lucrative position of a professorship in Washington University, then as now a favorite institution of St. Louis. During the Civil War he visited the barracks of the young soldiers, particularly those of the Minnesota troops temporarily quartered there, relieving the tedium of idle camp life by supplying school books to the soldiers and instructing them in the prosecution of studies broken off by enlistment and service.

One schoolmate, George Case, grandson of Emmanuel Case, years after the war, told me that under the kindly and generous tuition thus furnished he completed his algebra and geometry. Under Prof. Stone's supervision other soldiers advanced themselves in interrupted courses of reading and study. To many besides myself, he remains the ideal, most beloved teacher. Thoroughness was the marked characteristic of his life and his work.

Under his guidance an organization was formed of the High School and intermediate classes, known as "The Chrysalis," in which the study of parliamentary law was cultivated, with presentation of original essays, recitations, and an occasional play before the footlights. Thus were engendered the love of books and some elementary familiarity with the best British and American authors. At Mr. Stone's suggestion we had a course of public lectures by professional men of local reputation, and now and then of wider prominence. One most pleasing and acceptable lecture was by William L. Banning of St. Paul. We secured Bayard Taylor, then perhaps the most popular lecturer in the country, his subject being, "The Land of the Midnight Sun;" his price was high, several hundred dollars, but we cleared seventy-five dollars.

This sum we devoted to the establishment of a public library, of which at that time there was none. To the best of my knowledge and belief this was the first money donated for that laudable purpose, and not long afterward it eventuated, with increase of other gifts and the growth of popular interest,

to the founding of the Athenaeum, which still later and more fully developed into the present Minneapolis Public Library. Years after our humble incipient effort a splendid endowment came, to make sure and permanent our feeble enterprise, through the generous bequest of lands and rentals from Dr. Kirby Spencer, a dentist, then a resident of the city.

Between the years of '51 and '61 many men of note, and some of more than national reputation, visited the Twin Cities. The wife of Cyrus Aldrich, first Congressman from Minneapolis, once told me the very great number of well known and distinguished personages she had entertained in her hospitable home. The number was so great, the names so numerous, I would fail in any attempt at recall. Two came whose name and fame were equally great at home and abroad, Edward Everett and William H. Seward.

The visit of Seward in the newly created state of Minnesota was not an ordinary event. It was more than of local importance. It encouraged the feeling that we were a real and increasingly large factor of the mighty forces upbuilding the Greater Union yet to be. His coming was of national significance. His words and his prominence in the world's politics combined to create and make substantial (to democratize) that growing sentiment, that Minnesota was to bear an essential and conspicuous part in the nation's glory, which subsequently Alexander Ramsey, the War Governor, could rely upon when in Washington he offered to Lincoln the first body of volunteer troops to face the rising, yea, the already risen Rebellion.

Seward was full of statecraft, an accomplished scholar and cultivated gentleman, a diplomat of the highest order, a royal patriot, a wise far-seeing citizen, an American whose vision of his country's greatness was like that of Marcus Tullius Cicero, of unlimited scope, whose eagle eye scanned the horizon on land and sea to extend his country's mission. No man now doubts the wisdom of the Alaska Purchase, though at the crisis of its issue he stood quite solitary and alone in the advocacy of the scheme whose ratification has strengthened the long arm of the republic, with Pacific coast lines from San Diego on the south to Bering's strait on the north, and has further enriched her with inexhaustible mines of gold, silver, copper, and coal.



Seward was heralded to speak in St. Paul on September 18, 1860. Well nigh all Minneapolis invaded St. Paul to hail the chief of statesmen and give him welcome. The streets of the city were alive with citizens from near and far; wide-awakes and military companies marched in procession with the citizens, at beat of drum and martial airs. Upon the steps of the first Minnesota capitol, the venerable statesman faced an immense throng of the new state's representative sons, and expectancy beamed from every eye. From that rostrum of the public forum, he delivered an address of singular and prophetic foresight.

This address, entitled "Political Equality the National Idea," is published in *The Works of William H. Seward*, edited by George E. Baker, 1861, forming pages 330-347 of Volume IV. First he alluded to his voyage by steamboat from Prairie du Chien to St. Paul, with praise of the grandeur and beauty of the river valley, its inclosing bluffs, "sentinel walls that look down on the Mississippi," and the splendor of Lake Pepin seen at the close of an autumn day. Continuing in the introductory remarks which led up to his main theme in the presidential campaign then in progress, Seward said:

I find myself now, for the first time, on the highlands in the center of the continent of North America, equidistant from the waters of Hudson's bay and the gulf of Mexico, from the Atlantic ocean to the ocean in which the sun sets. . . . In other days, studying what might perhaps have seemed to others a visionary subject, I have cast about for the future, the ultimate central seat of power of the North American people. I have looked at Quebec and at New Orleans, at Washington and at San Francisco, at Cincinnati and at St. Louis, and it has been the result of my best conjecture that the seat of power for North America would yet be found in the valley of Mexico; that the glories of the Aztec capital would be renewed, and that city would become ultimately the capital of the United States of America. But I have corrected that view, and I now believe that the last seat of power on the great continent will be found somewhere within a radius not very far from the very spot where I stand, at the head of navigation on the Mississippi river and on the great Mediterranean lakes.

If Seward's words and vision of the future helped to create and substantiate the idea of Minnesota's fellowship in the unexampled development of the great middle west, Edward



Everett, a year later, awakened the latent ardor and kindled the slumbering embers of loyalty to duty into flames that led our patriots and their sons in the First Minnesota and other regiments on the fields of carnage to make more bright and enduring the glory of Freedom's heights, and to leave the Star of the North shining with increase of splendor. Who shall say that the voice of Everett, appealing to loyalty and to duty, was less efficient, in preaching the crusade of war, than the Chicago minstrel, Jules Lombard, of whom Lincoln said that his patriotic verse and voice of wondrous melody enlisted more soldiers for the Union army than any hundred and fifty recruiting officers with beating drums and sounding fifes?

Everett delivered in St. Paul in 1861 his famous oration on the Life of George Washington. I was fortunate in being able to crowd in and secure a seat in the front row. His was the first form, figure, face, and bearing, that filled my youthful dream of an ideal patriot, scholar, statesman. Nothing seemed wanting in the man before me that could more fully round out a great orator. His splendid stature, his dignified demeanor, his noble countenance and lofty brow, his matchless voice, his scholarly choice of phrase and diction, his noble subject, "First in war, first in peace, first in the hearts of his countrymen,"—these, one and all, enthralled me.

When in the peroration, in view of the "irrepressible conflict" of the Civil War and the dire necessity to rise and save the Union, he called on old men and children, young men and maidens, to fly to the rescue in the name and power of Washington, lifting high his hands above his lordly head, he cried,

"Come one, come all!

Come as the winds come, when forests are rended,

Come as the waves come, when navies are stranded."

My feelings were one with the wrought-up multitude beside me, that we thought we heard, as it were, the voice of God and the great prophet of Sabaoth, calling us to arms and to duty. With the lapse of more than half a century, I cannot even yet think long nor speak well of that awe-inspiring hour, when American eloquence reached its climax, without a return of the thrill that then convulsed and the power of speech that overwhelmed.

## EARLY DAYS IN MINNEAPOLIS.\*

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BY DR. WILLIAM E. LEONARD.

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Along with the great flood of western immigrants caused by the discovery of gold in California in 1848, came a fuller tide of men and women into the Mississippi valley, pioneers of more substantial type than the hardy adventurers who went over the Rockies,—men who sought homes for their families, not sudden wealth for themselves. These came into the fertile prairies of Illinois and Iowa, from New York and New England, a generation later than the same class of worthy pioneers settled northern Ohio and Indiana. From 1848 to 1860 they streamed up the great river and its tributaries by hundreds and by thousands, settling in Minnesota and adjoining states and territories. Some authentic figures of comparison will make this remarkable influx more evident.

In 1850 the town of St. Anthony was credited with 538 inhabitants, and there were a half dozen people on the west side. Only four years later that town had 3,000 citizens, if we include the 500 then estimated to be on the west side; and on November 2, 1854, they asked the Legislature for a city charter, "in order to manage their local affairs better," and to make a better comparison with St. Paul, which then claimed 7,000 inhabitants. This charter was obtained in 1855. The "wild-cat currency" of '57, and the hard times of the two years following, checked this rather too rapid growth, but yet there were over 6,000 people at the Falls when the Civil War broke out. In 1849, when Minnesota was organized as a territory, it had 4,057 inhabitants, and 6,077 a year later; after eight years, in 1857, there were numbered 150,037 souls, and 172,022 three years later, showing more than 4,000 per cent increase for the eleven years.

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\*Read at the monthly meeting of the Executive Council, May 11, 1914. This paper was illustrated with about sixty lantern views, loaned by Edward A. Bromley, photographer and journalist, whose extensive antiquarian knowledge of the Twin Cities has also supplied much other aid.

As typical of the homes these sturdy settlers built, I may mention the log cabin by Joseph Dean in 1849, just off the Shakopee road on the north bank of the Minnesota river. This "claim shanty" still stands in most excellent preservation, a hundred yards from the north end of the Bloomington bridge, being used as a storehouse for household goods, just as substantial and dry a receptacle as a bonded warehouse. Mr. Dean's interests and home were transferred to the city of Minneapolis, where he became a leading lumberman and citizen.

The Falls of St. Anthony were really the pivotal point in this region, for they promised a splendid water power, waiting development. Each settler in the new village of St. Anthony strove to make it the center of commercial activity. There was the "Upper town," around the site of the Pillsbury mill, and extending along Main street as far up the river as to Third avenue north; and the lower or "Cheever town," the region now recently made part of the larger University campus, including Prospect, State, Church, Union, and Harvard streets. Near the site of the Elliott Hospital of the University, in front of his hotel, the Cheever House, Mr. William A. Cheever erected a wooden lookout tower, on the door of which a sign read "Pay your dime and climb." He was on the stage route up the old Territorial road, and received many guests and dimes. But the following event as chronicled in the Minnesota Republican for Thursday, October 19, 1854, quite cut off Mr. Cheever's chances for being the center of the town.

The Regents have consummated the purchase of the Taylor & George property on the bluff above Cheever's, as a site for the University buildings. They have obtained 25 acres at this point, which is universally admitted to be the most beautiful location in the West, commanding, as it does, a magnificent view of the Falls, river, and country on the west of the river, and covered with large and stately oaks. The price paid was \$6,000.

Eighteen years later, as a student, I actually surveyed the old campus with rod and chain and found it to contain twenty-three acres and a fraction. The "view of the Falls" is not so good since the apron was put in. Spirit island has disappeared, and the Great Northern viaduct, the Tenth Avenue bridge, the Pillsbury dam, and the railway freight bridge just below, have

been built, quite cutting off the outlook up the river. But the greater University campus, more than five times as large now, really affords fine river views. The value of this really beautiful site has gone up into several hundred times its original cost, evidencing the wisdom of those first Regents. Yet I must confess great sympathy with Dr. Folwell's plan once laid before the Legislature, to set aside on upper Lake Minnetonka several hundred acres for all the departments of the University, and thereon to construct such stately buildings as are now being erected, but far away from the trains and noise of the city and in ideal setting of suburban beauty.

The St. Anthony Express, the first newspaper at the Falls, founded in May, 1851, is remarkable for its high note of citizenship in its local items, as for instance: "Let us place Minnesota University on a basis equal to that of Yale;" "Keep litter off the streets, improve your lots with shrubbery and fence, and build in good taste back from the sidewalk." It printed a series of "Letters to Young Ladies," after the style of the modern Ladies' Home Journal.

No story of Minneapolis is complete without prominent mention of Col. John H. Stevens, who, for Franklin Steele and himself located the first claim dwelling house on the west side of the river, a modest wooden building which I well remember in my boyhood, on the hillside some 100 feet from the river, where the recently discarded Union Station stood. Winding down to the river in front of his house, from the bridge road, after the ferry was superseded, was the road up which was hauled most of the water used for domestic purposes in the town. At any time during the day could be seen a flat cart backed into the river, one horse and one or more barrels, to be filled by dipping with a pail, completing the outfit. Later from this little shore line in front of Col. Stevens' house we venturesome boys would walk out on the logs, backed up from the mill pond below, to the boom line, some 75 feet. If we slipped and went between the logs, as we did occasionally, for the whole trick was a forbidden one, we might come up between logs and be saved or hit our heads on one and stay under forever! The former experience was mine, once only. Lower down the river, where the flour mill raceway now begins, was a shady, unfrequented high shore, where our fathers used to take us to teach us to swim.



You know how this Stevens house, well preserved, built in 1849 by Charles Mousseau (whose son is still on the police force) and Captain John Tapper, the ferryman, was purchased by the city and hauled by the school children of Minneapolis, on May 28, 1896, from Sixteenth avenue south and Fourth street to its present permanent and picturesque resting place in Minnehaha Park just north of the west end of the bridge leading to the Soldiers' Home.

Colonel Stevens was always a factor in the growth of the city and the state, being especially enthusiastic and untiring in his devotion to intelligent agriculture. A beautiful bronze statue of him, in his long coat and slouch hat, stands at the foot of Portland avenue, placed there in his memory by his daughter, the late Mrs. P. B. Winston.

The Minnesota Republican records that "the Minnesota mill, Capt. Rollins owner, ground 36 bushels and 29 pounds of corn into flour in less than one hour." Such was the humble beginning of the greatest flour industry of the world. When, as a student in Philadelphia in 1876, I told that our city ground 25,000 barrels of wheat flour daily, no one believed me! Last year (1913) the Minneapolis production of flour was in round numbers over 17,000,000 barrels, averaging over 50,000 daily.

Affairs boomed in the new town of "All Saints," as the west side was known until Mr. Charles Hoag, November 5, 1852, devised the combination of Minnehaha, Dakota for "Laughing Water," with the Greek affix, "polis," a city, meaning "Laughing Water City" or "City of the Falls." This unique and euphonious name, although objectionably hybrid from a philological view, has helped to make our city famous; for it tells, even without the silent "h," long since dropped, just what and where it is. The town in Kansas that adopted our name has by no means the same right to it. Under date of November 2, 1854, we read:

In this promising town there are already built, and in process of building, fifteen stores, of which ten are open to trade, one hardware, one book-store, one extensive furniture establishment, one well supplied with carriages and chairs, and the balance pretty well filled with dry goods and groceries, etc. Minneapolis has also a sawmill, a blacksmith shop, a Government land office, a printing office, a post office, a land agency and surveyor's office, one physician, three organized



churches with pastors, and about 500 inhabitants, with room for a good many more. It is directly opposite St. Anthony, and the two places are in a few weeks to be united by a complete and elegant wire suspension bridge. When that bridge becomes free and the two towns are incorporated into one, maybe there will be a city as large as any in Minnesota.

This naive prophecy has been fulfilled, but not immediately. The bridge was not free until after the Civil War, for I myself later used its tickets, three cents one way or five cents over and back. The bridge was paid for by stock, the first issue being for \$35,000, sold to the people of the two towns. "Six dwellings a week or 300 a year," is the rate recorded for the growth of Minneapolis, November 25, 1854. No wonder they could afford a bridge!

It is a pity that there is no picture of John Tapper's ferry, over which, up to January in 1855, all the citizens and the manufactured supplies for the little town were brought.

There were many delays in completing the bridge. As early as December 14, 1854, E. H. Conner, the foreman, and the five or six men employed, first crossed the loose planking. Foot passengers were thereafter allowed to cross, but in January the bridge swayed in the wind so violently as to break up the planking, and it became necessary to place fresh wire guys to new piers on shore on each side. The toll for crossing on these rather uncertain planks was one dime for each foot passenger each way. Not until January 23, 1855, was the bridge formally opened to travel, and the occasion was part of a brilliant celebration and dinner at the St. Charles Hotel.

In the spring of 1855 the census of Hennepin county was taken as 4,100; and it is recorded, "We have had an eastern mail every day for four days." That spring was evidently an early one, for we read that Allen Harmon, whose claim was away out near what is now Twelfth street and Hennepin avenue, and who gave his name to Harmon Place, "had potatoes in bud on the 30th of May, and new potatoes on June 24th."

This new community, largely derived from New England, was not unmindful of the education of its youth. May 29, 1856, the Board selected the northwest half of block 77, where the City Hall now stands, as a site for the Union School House; and in 1857 this "double brick school house, the best school

building north of St. Louis," was opened to scholars. It was built by Robert E. Grimshaw, a contractor who came to Minneapolis two years before, the father of U. S. Marshal W. H. Grimshaw, Elwood G. of Deadwood, Mrs. James Hunt of California, Mrs. George W. Cooley, Mrs. Charles M. Jordan, and Mrs. A. E. Benjamin of this city. He designed it as an exact copy of a school building in his home town, Bustleton, a suburb of Philadelphia. Mr. Grimshaw was responsible for many of the larger early buildings, including the Harrison Block, at the corner of Washington and Nicollet avenues, the First National Bank, and Vogeli's drug store on the opposite corner, which were recently razed for the Gateway Park, and the four Harrison residences, which are still standing.

In my childhood recollections Mr. Grimshaw was notorious for his leading connection with a debating club, "The Liberal League," abhorred by the good church people, but kept much alive each Sunday afternoon in Harrison's Hall by Mr. Grimshaw, S. C. Gale, C. A. Widstrand, O. C. Merriman, Dr. A. F. Eliott and others.

That Union School House was my first, and it brings back many recollections. It seemed to us very palatial. A broad central hall led through the building to rooms on either side, cut off from the hall by sliding glass partitions, so that the four rooms of each floor could be practically thrown into one for general school exercises. A huge wood-burning stove, long enough to receive four-feet cordwood, heated each room; and each stove gave more radiation by having a long, hollow circular sheet-iron drum above the fire box. This school house, with its lively assemblage of some 250 children, was the scene of as many epoch-making events as any of the seventy school buildings in the present city. We were likewise "Good, bad, and indifferent," as nowadays.

The second principal, who shall be nameless, was a powerful man, of a very fiery temper. Two brothers of Scotch descent, living not far from the school, were to him especially exasperating by their breaches of discipline. He so far forgot himself one day as to kick these boys down the stone steps. The boys went home, nursing their bruises and their temper, and through their parents moved for the principal's dismissal. He was a good teacher and disciplinarian, and was kept in his position by

a lenient community because good teachers were scarce. The boys could not forget and one night in 1864 the Union School went up in smoke. Shavings saturated with kerosene were seen burning on each floor, so that there was no doubt as to the incendiary origin of the fire. The Scotch family suddenly disappeared from the community, and the board had to house their children in temporary quarters while a new building was being constructed.

Although the ambitious citizens of Hennepin county held their first fair in 1854, a year before the United States gave them clear title to their claims and enabled them to record a plat of Minneapolis, the first State Fair was not held until 1860, being then in the old quadrangle at Fort Snelling. Governor Lewis Cass of Michigan, whose name was given to nine counties in as many states and to two towns in Michigan, was the orator of that occasion. To Fort Snelling we took all eastern visitors and strangers, where "The Old Lookout" gave a truly magnificent view of the valleys of the Mississippi and Minnesota. The removal of that old round wooden platform, in the modernizing of the Fort in the 90's, was a distinct scenic loss to the vicinity of the Twin Cities.

Minnehaha Falls, known as Brown's Falls until made famous by Longfellow's "Song of Hiawatha" in 1855, has done more to advertise Minneapolis than any other one thing, for no one can come here without seeing the supposed scene of his legends. This waterfall and the beautiful Minnehaha Park surrounding it are one of the most familiar and valuable assets of the city.

The first daily paper at the Falls was The Falls Evening News. From Volume I, No. 1, September 28, 1857, I select the following interesting and instructive advertisements in the separate Minneapolis columns.

"W. D. Washburn, Attorney & Counselor at Law, Cor. of Helen & Second Sts., Collections, to invest and loan money, enter and locate lands, pay taxes, examine titles, and attend promptly to all business entrusted to him." Here follow in full fifteen references to eastern men and firms outside of the territory and five in St. Paul and elsewhere, as the humble beginning of the business and fortune of the future United States senator.

Edwin S. Jones, afterward Judge of Probate and president of the Hennepin County Bank, has a similar card; also Cornell

& Vanderbergh, who became judges, one of the Supreme Court; Sherburne & Beebe (the late Judge Franklin Beebe), with some twenty references; Henry Hill, Parsons & Morgan, Cushman & Woods, Carlos Wilcox, etc., all in the real estate and legal lines. I think it was David Morgan of the above firm, whose funeral five years later in the old Plymouth Church, at the corner of Fourth street and Nicollet avenue, was the first I ever attended. It was an awesome occasion, with a large attendance, for Mr. Morgan had gone out among the first volunteers in the Indian outbreak, and was brought home with an arrow through his heart.

C. A. Widstrand, advertising his "Music & Stationery Store," was an independent and notable figure on the streets of those days, much beloved by all who knew him.

Thomas Hale Williams, Minneapolis Bookseller and Stationer, Minnetonka street (next south of the Suspension Bridge), became, upon the organization of the Minneapolis Athenaeum two years later, in 1859, its librarian, and was for years the uncompromising custodian of this really excellent book collection, the nucleus of our present Public Library. It may be of interest to note here that the original stockholders in the Athenaeum, in lieu of their former legal rights given up to the public, have the privilege of demanding the purchase by their permanent librarian of any line of books they may see fit, with the further understanding that the original Athenaeum Library is always to be kept intact.

To go back to our advertisements: George H. Keith, M. D., dentist, was afterward postmaster; commemoration of his wife was recently very beautifully manifested by her son-in-law, Mr. E. A. Merrill, in the gift of the Free Baptist church property, on Fifteenth street and Nicollet avenue, to the Young Women's Christian Association. A. L. Bausman, dentist, ministered to nearly all the early citizens of prominence, and was always an important political factor.

C. L. Anderson and W. H. Leonard, my father, physicians, were partners and friends; M. R. Greely, M. D., adds to his card this unique offer, "Surgical operations performed either with or without the use of chloroform or ether," an offer that would not attract nowadays.

On April 5, 1860, the first Plymouth Church building, a



wooden structure of some pretensions, facing Fourth street on the southeast corner of Nicollet, burned to the ground, having been set by incendiaries. The fire was thought to be the result of the church's drastic action in a very stirring temperance movement. It was late in the afternoon, as I have reason to remember distinctly, for a certain small boy had been sent to bed early for punishment and found it a most exciting diversion to watch the fire from the upper back widow of his Second street home, just north of Hennepin avenue. As the flames lighted up the sky, the few intervening buildings were brought into bold outline, especially the original First Baptist Church, a brick building facing Third street between Hennepin and Nicollet avenues, the most ambitious of the churches of that day. Plymouth Church was rebuilt larger than before, on the same site; and it was removed in the 80's, to make way for the present buildings, to Seventh avenue north and Third street, where it is now a crowded tenement building.

The Plymouth Church quintette in those early years consisted of Harlow A. and S. C. Gale, brothers, Mr. and Mrs. C. M. Cushman, and Mr. Joseph H. Clark. They were in demand not only on Sundays, but for many funerals and concerts. Mr. S. C. Gale, Mrs. Cushman, and her brother, Mr. Clark, still survive, the latter living in Santa Monica, California.

Refugees from the Sioux massacre, in 1862, came even to Minneapolis, more than eighty miles from the scenes of the slaughter. Scores of the frightened settlers and their families came, generally in the covered farm wagons or "prairie schooners" in which they had journeyed forth only a few years before. On the wagons were all the household goods they could crowd, with the family; and behind were such cows, calves, colts, and dogs, as could travel. Every home was opened to them for the days of the scare. They flocked into our side of the town from Bottineau prairie, in Wright county, as the unwooded stretch from Buffalo to Monticello was called, and from the northern part of Hennepin county, wild, tired, and hungry. I remember how our big house served as barracks for a time, even the halls being occupied by women and children.

It will always be the glory of Minnesota, that she was the first to respond to the call for troops in the stirring first months of the Rebellion. But, as elsewhere, the burdens fell doubly



upon those left behind. Men were actually scarce. It was impossible to get work done, and women and children were pressed into the service for unusual labor. Many physicians went into the army, leaving more than double duty for those left behind in a community rapidly increasing by immigration. Dr. Philo L. Hatch used to tell how for one week he never had an opportunity to sleep in bed, but went from one call to another, day and night. The mails were never more eagerly sought. We small boys had the regular duty of going for letters, and in doing so had to either wade through or skirt a small frog-pond at the lower end of the present Gateway Park, where the City Hall stood from 1887 to 1912.

The post office of war times was in various locations around Bridge Square, at First street and Hennepin avenue, later at the Pence Opera House corner, and for years in Center Block (recently razed), in a building known as 216 Nicollet avenue, owned by R. E. Grimshaw; and later still it occupied the first floor of the City Hall, until the present Post Office Building was completed, which again is soon to be succeeded by the new building now in progress of construction.

Everybody lived "down town" in those days, for there was no strictly residence portion of the city. All were neighbors and friends, greeting each other with a "Good morning," and going home to dinner (not lunch) at noon, closing their shops for an hour or so.

The Gale brothers, S. C. and Harlow A., lived near Third avenue south and Third street, in a white wooden house long since torn down. Judge E. S. Jones lived on Second avenue north, between First and Second streets, in a two story brick dwelling, now a hotel for Icelanders. B. S. Bull lived across the alley from Judge Jones; O. M. Laraway and Thomas Gardner, over stores on Bridge Square; J. B. Bassett, in a very substantial brick dwelling on the river bank in the present Omaha freight yards. My father, Dr. William H. Leonard, and Mr. Schuyler Johnson, Mrs. Andrew Rinker's father, lived on the south side of Second street near Hennepin avenue, in buildings which are now a hide store and the headquarters of the Volunteers of America; and I might recall many other familiar names of early citizens, whose homes were down on Fifth and Seventh streets toward the old Court House.

Dr. Alfred E. Ames, whose large and splendid home (for those days) was on the corner of Fourth street and Eighth avenue south, had the first greenhouse in the city and employed William Buckendorf, a young German, as his gardener. In the very stringent times of 1857, William received a letter from the old country on which was due fifty cents postage. He knew it contained money and asked Dr. Ames for the change. The doctor replied, "William, I know I owe you for several months' wages besides, but I have not seen half a dollar in many days. I'll tell you what I'll do, you take this deed to lot so and so, on Seventh street, next to William Washburn's house, and see if you can raise some money on it." Just what William got for a lot, now worth thousands, the story does not tell, but he paid his postage!

The second schoolhouse stood on the corner of Helen street and Washington avenue, where the Post Office is now being built, and where the Windom Block stood for years. It was used while the new Washington School was being built, in 1864-67. It was a rambling wooden building, owned by Mr. Loren Fletcher, housing all the scholars of the city only by considerable crowding. Back of it, near the center of the block, was a low wet spot frequented by the pigs belonging to the owners of the shanties between there and the river along First and Second streets. On warm afternoons, when lessons lagged and we were anxious to be out of doors, we boys on the front seats, while the teacher was in the back of the room, by a skill acquired by long practice outside, would call those pigs so enticingly that they actually came up to the back door and would stick their fore feet and heads into the room. One day, when quite engrossed in this pastime, a resounding whack on the side of the head reminded me that I was guilty of a serious breach of discipline. The Russell brothers, sons of R. P. Russell, sat behind me and aided and abetted this scandal.

The close of the war brought back the veterans and their accompaniments. In my father's case, these included two horses, one of which, a big white charger known as "Charlie," had carried him as surgeon through the siege of Vicksburg. A colored woman servant was also included, "Aunt Hester Patterson," who had been his cook for a year or more in that and other campaigns. "Auntie" proved a notable darkey char-

acter, a stalwart ex-slave from Mississippi. She arrived in true southern fashion, with all her earthly belongings tied in a huge sheeted bundle on top of her head. As she strode over from the East Side stage office across the bridge to my father's house on Second street, she literally swept down with her bundle all the loose store goods hanging to the low wooden awnings of those days. Her path through Bridge Square was strewn with wreckage, making her coming notable for days. Her destination was "Dr. Leonard's mansion," for that was her sole idea of the unfamiliar North. Aunty lived to become a well known figure among her own and the white people and finally died in the 70's, in a shanty built for and given to her by some of the lumbermen on Hennepin island, who operated their line of saw-mills, known as the "East Side platform," burned in 1870 and never rebuilt.

Minneapolis became a town by act of legislature in 1856, but it was not until 1867 that she obtained a city charter. In the beginning of this last corporate existence she had essentially the limited boundaries of the old town, being bounded on the east by the river, north by Sixth avenue, west by Lyndale avenue, and south by an irregular line from Lyndale and Hennepin avenues to Cedar avenue and to the river. Only five years later, in 1872, Minneapolis absorbed the older town of St. Anthony, had a population of about 20,000, and began to expand in all directions.

In July, 1906, a half century as town and city was celebrated by the Hennepin County Territorial Pioneers and the Native Sons of Minnesota, with a procession across the city and speeches on Richard Chute Square, at the same time establishing the "Godfrey House" in that little park as the oldest dwelling in St. Anthony and a repository of local historical mementoes.

June 22, 1862, the "William Crooks" was the first railway engine to haul a train up to the Falls, arriving on Main street in St. Anthony at the east end of the bridge from Nicollet island. The depot was soon removed to Second avenue north-east and Fourth street, and for a year all west side people had to go over there to take or meet a train. Our first Minneapolis depot was on Third street and Third avenue north, that of the St. Paul, Minneapolis & Manitoba railway, earlier the St. Paul

& Pacific railroad, which was in some ways a better name than the final one, the Great Northern railway.

In 1868 the value of the manufactured product of the new city of Minneapolis was \$5,000,000. The next year St. Paul and Minneapolis sent out the Northern Pacific railroad survey, starting from Washington avenue.

Our ambitious town got a great scare in 1869, when a section of the limestone ledge under the Falls fell into and wrecked a tunnel that Mr. William W. Eastman was building under Hennepin island. "Save the Falls" was the cry heard in Washington, and the United States government proceeded to spend over a million dollars to construct a concrete barrier from shore to shore underneath the limestone, a dam of solid masonry some twenty-five feet high, fifteen feet wide at the base and four feet at the top.

Washington avenue was the main street of those days. Some notable houses were the leading dry goods store, of Bell Brothers (J. E. and D. C. Bell), at the corner of Nicollet avenue; Charles M. Cushman's book store, and George Savory's drug store; and lastly Bond's restaurant, the only good place for "a spread" in town, except that of Cyphers, a later rival, which stood next to Deshon's livery on Nicollet avenue below Washington avenue, where the Miller-Davis printing plant is now. All of the University eating functions in the early years were held in one of these then palatial parlors, but there were strict regulations as to being away and at home by ten-thirty o'clock! That would seem strange nowadays.

By 1867 the Washington School was completed and occupied, on the site of the Union School and of the Court House. It was a fine substantial building of four stories and basement, built of limestone from Minneapolis quarries. There were four grade rooms on each floor, except that the third story had at its north side one large room devoted to the High School. Recitations were held in the upper French-roof story. The first principals managed the whole from an office in the basement, and taught classes in the High School at certain hours. Other ward or grade schools multiplied as the town grew, but this building was the headquarters for years.

The first Superintendent of Public Schools was George B. Stone; W. O. Hiskey in 1868 reigned over twenty-seven teach-



ers; but to Orson V. Tousley, who was superintendent from 1871 to 1886, should be given the credit of putting the school system on its feet. During the early part of his administration, indeed from the opening of the Washington building, there stood on the corner of Third avenue north and Fifth street, in the extreme corner of the school yard, a wooden bell-tower or "Pagoda," perhaps two and a half stories high, the bell of which not only summoned to school, rang for recess, etc., but for years rang the alarm for all fires in the city, day or night. The fire alarm duties extended to James Bulger, the janitor of those days, and it was certainly a privilege to a boy to live within one block of that tocsin and get warning of all fires! The habit of responding to fire alarms is sometimes strong with me yet. There was no mistaking its warning, when in August, 1872, it rang for the destruction of my father's residence and five other dwellings in the block where the Security and McKnight buildings now stand, while the firemen, through some mistake in cut-offs, stood by helpless without water. This bell, with its too frequent clangings, was soon afterward superseded by a fire-alarm telegraph system.

Superintendent Tousley was a noted character whom many of us remember well. A graduate of Williams College and a lawyer, he came to us from a school in Ohio, tall, stern, a brilliant speaker and teacher, but rather given to bullying his pupils. He occasionally met his match, as, for instance, when Miss Lillie Clark (late Mrs. Fred C. Lyman) flashed back, "You are talking to a lady, Professor!" At another occasion he surprised George H. Morgan (now a major in the U. S. army) and myself in the coat room, when we should have been in our seats. "What are you boys doing here?" he roared; "Swapping jack knives, unsight and unseen," was our truthful answer. "Who's getting the best of it?" he asked, with a relaxing smile; "I am," promptly answered the lucky one, disclosing the knife in his hand. The humor of the situation appealed to him, and he laughingly dismissed us to our seats without further comment.

One day, in the midst of the lessons, a little boy timidly appeared at the door and stood trembling, awaiting recognition. "What do you want?" roared Tousley; "I want to see Professor Toosley," stammered the boy. "Who sent you here?"



he roared back across the long room; "Miss Cruikshank from Room A," was the answer. "You go back to Miss Cruikshank, and tell her that the 'ou' in my name is pronounced like 'ow' in 'cow,' " and the boy disappeared as though shot from a gun!

He was appointed a Regent of the University and served one term, when federal duties took him from the city. Returning on a visit some years later, he told some of us grown-up boys that he could not believe we dreaded and hated him so, and endeavored to correct the earlier impressions by a cordiality of which he was very capable. After most excellent service in compiling the official records of the Chicago Exposition of 1893, for the United States government, he died in 1902, at the age of sixty-eight years.

On August 26, 1865 (the date I find in "Mrs. Abby Mendenhall's Diary"), Gen. U. S. Grant visited Minneapolis. I well remember how my father lifted me above the crowd in the Nicollet House lobby, to look at the grim, gray warrior, in whose command he was for three years, and who was then being groomed for the presidency. My impression is of a retiring man, short in stature, weary of the vociferous attention he was receiving, but a man of iron strength and will.

In those days after the war, the Athenaeum gave each winter a "star course" of lectures in the old Pence Opera House, among which I recall (for they were real treats even to small boys) Anna Dickinson, on "Breakers Ahead;" Wendell Phillips, on "The Lost Arts;" and Richard Proctor, on "Astronomy."

The Academy of Music, on the site of Temple Court, was built in 1869, and there the lively growing town heard opera by Adelaide Phillips and many others; Robert G. Ingersoll, in "The Mistakes of Moses;" John G. Holland, who used to stand in the lobby and study his audience as they filed in; and, of local talent, Rev. James H. Tuttle, and many others. The Academy was burned on Christmas Day, 1884, when the thermometer ranged away below zero.

In the 70's were held "Bill King's Fairs," in a now thickly settled territory south of Franklin avenue from Twenty-third avenue south to the river. Great wooden buildings displayed the merchandise and stock, and a really fine race course brought the best horsemen of America. Col. William S. King was a

wonderful impresario and manager and always kept things lively, while his secretary, Hon. Charles H. Clark, was a most efficient aide. On one occasion Horace Greeley, of the New York Tribune, was the orator and received from the management the finest pair of blankets the North Star Woolen Mills then made, valued at \$50.

In 1875 the second Suspension Bridge, with its fine stone towers and broader dimensions, superseded the one of 1855, to be itself torn down, giving place for the present stone arch bridge, in 1890.

May 2, 1878, in the early evening, six great flour mills were blown up by an ignition and explosion of flour dust, and eighteen lives were lost. Over in Lakewood cemetery, on the knoll overlooking Lake Calhoun, is a fine granite shaft commemorating the event with the names of the victims; and a similar memorial tablet is placed on the north side of the rebuilt "Washburn A" mill. Each of these memorials bears the inscription; "Labor, wide as earth, has its summit in Heaven."

On the East Side, a place of much repute in the early times was "the old Chalybeate Springs," on the river bank just below the site of the Pillsbury "A" Mill. The city of St. Anthony built wooden steps and a long platform at these springs, for strangers and the public generally; and in the palmy days of the Winslow and Tremont hotels, before the Civil War, the walks were thronged with people who came down on summer afternoons and evenings to enjoy the scenery and the healthful iron water. Later, in my student days at the University, it was a resort for those who would walk together and alone! Only a few weeks ago, my daughter and I found the springs, with the red-stained ground and the old iron pipe, still flowing as of yore, but with no steps nor walks and an outlook badly damaged by the debris of new channels and by the city ownership of Hennepin island with its pumping station. The water still smacks of iron, and is still therefore "chalybeate;" and just above, as it has stood since 1855, was the old limestone shop of E. Broad, the first iron worker, where the broad-axes and logging tools of that day were made.

Instead of the Minikahda, Interlachen, and Athletic and Boat Clubs of today, society of long ago resorted to the Lake Calhoun Pavilion, a large summer hotel, where Mrs. Foreman's

fine residence now stands. Hops and functions were held there, it being reached by carriages, and by sleighs in the winter time. This Pavilion was destroyed by fire within two years and was never rebuilt. It is worthy of note that it stood on the site of the first dwelling of white men in this city, as commemorated by the tablet on a boulder beside the Lake Calhoun parkway, bearing this inscription: "On the hill above was erected the first dwelling in Minneapolis by Samuel W. and Gideon H. Pond, Missionaries to the Indians, June, 1834. Dedicated by the Native Sons of Minnesota, May 30, 1908."

The University Coliseum, a huge wooden structure seating more than 3,000 people, the forerunner of the present University Armory, known irreverently among the students as "Pillsbury's Barn," was the place for University commencements, balls, military drilling, and gymnasium work, from 1884 to 1894, when it was burned quite to the ground. It stood just southeast of the present Sanford Hall, the women's dormitory, on the triangle of ground added to the campus from the homestead of Mr. George W. Perkins, the late father-in-law of L. S. and George M. Gillette.

The first street car in Minneapolis, horse-drawn of course, was started in 1875; but the first electrifying did not take place until 1888. Many will remember that just before this change for using electricity the Minneapolis Street Railway Company had spent many thousands of dollars in placing a cable line out First avenue south (now Marquette avenue), and was ready to put it in operation when electric power was shown to be far more economical.

This paper may well be concluded by noting the names formerly borne by the streets (now called avenues) which run transverse to the course of the Mississippi. These were renamed numerically as avenues within the first year after the union in 1872 of St. Anthony and Minneapolis, to distinguish them conveniently from the streets which are parallel with the river, being therefore intersected by the avenues. Washington and University avenues are exceptional, being parallel with the Mississippi, so that more properly they should be called streets.

Under dates of 1873 and 1874, maps of the enlarged city show in their order southeastward from Nicollet avenue and parallel

therewith, running thus transverse to the river, the following streets: Minnetonka, Helen, Oregon, California, Marshall, Cataract, Russell, Ames, Rice, Smith, Pearl, Huy, Hanson, Lake, Vine, Clay, Avon, and Lane streets, these being respectively the First to the Eighteenth avenues south, lying between Nicollet and Cedar avenues. Both the old names as streets and the new names as avenues are given on these maps, which belong to the time of transition from the old to the new.

East of Cedar avenue on these maps are Aspen, Oak, Walnut, Elm, Maple, Pine, Spruce, Willow, Birch, and Orange streets, being respectively the present Nineteenth to the Twenty-eighth avenues south.

In the order from Hennepin avenue to the northwest and north were Utah, Kansas, Itasca, Dakota, Nebraska, Harrison, Lewis, Seward, Marcy, Benton, the next unnamed, then Moore, Fremont, Clayton, Bingham, Breckenridge, Cass, Douglas, Buchanan, Christmas, Howard, Clay, Mary Ann, and King streets, these being renamed respectively as the First to the Twenty-fourth avenues north.

On the St. Anthony side, Central avenue had been earlier called Bay street; and thence southeastward were Mill, Pine, Cedar, Spruce, Spring, Maple, Walnut, Aspen, Birch, Willow, Elm, and A, B, etc., to G and H streets, now respectively the First to Nineteenth avenues southeast.

Passing northwest and north from Central avenue, in the northeast part of the city, were in succession Linden, Oak, Dakota, Todd, Dana, Wood, St. Paul, St. Anthony, St. Peter's, St. Martin, St. Genevieve, Prairie, Grove, and Lake streets, which now are, in the same order, the First to the Fourteenth avenues northeast.

Evidently the confusion arising after the two municipalities were united as the new and greater Minneapolis, through the several duplications of street names west and east of the river, was one of the chief reasons for their renaming as avenues and under numbers for the four main divisions of the city. What was lost in the historic origins of the former names, dating from the first surveys and plats, seems to have been more than offset by the increased convenience, local significance, and systematic definiteness of the present nomenclature.







*Rebecca Marshall Calhoun.*

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## A SHEAF OF REMEMBRANCES.\*

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BY MRS. REBECCA MARSHALL CATHCART.

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I have heard it said that the most uneventful life, if carefully written up, would make an interesting book, and I have been persuaded to prove this statement.

My life has seemed to me to have experienced little beyond ordinary, commonplace events, yet, at the earnest request of my children, and overcoming my extreme dislike for the manual drudgery of writing, I shall try to jot down some reminiscences of my childhood in Illinois and Wisconsin, as well as those of later years in St. Paul, Minnesota, hoping to interest those who care for early memories of our city.

My earliest remembrances are those in frontier life. My great-grandparents, both paternal and maternal, came from the north of Ireland and were what is known as Scotch-Irish. They came to this country in the eighteenth century and settled near Philadelphia. I know very little about their lives, as they were too busy trying to establish homes to keep any record of daily experiences.

My paternal grandfather, David Marshall, visited Kentucky before the War of the Revolution; at the outbreak of the war he enlisted and served throughout the war in the Pennsylvania troops under Gen. Anthony Wayne; after peace was declared, he married Sarah Graham, and bride and groom started for their future home in Kentucky on horseback, making the entire journey in that way. They bade good-bye to their relatives, never expecting to see them again; however, a sister of my grandmother married and went to Lexington to live some years later. A descendant of hers, James Fisher Robinson, was governor of Kentucky during a part of the Civil War, in 1862-3.

We often talk and tell stories of heroes during the forming

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\*Read at the monthly meeting of the Executive Council, November 10, 1913.

of the West, but there were heroines as well, and I always think of my grandmother Marshall as one of that number. In 1872 I visited my ancestor's home in Kentucky; the farm on which my grandfather located was near Paris, Bourbon county. While I was there, one among many incidents which my mother had told me as happening there was forcibly brought to my mind; it occurred soon after the birth of my grandmother's eldest child. The first settlers had built their log cabins of one room near together as a protection from the Indians, and these little settlements were called stations; each cabin had a hole in the wall closed with a wooden plug, and every morning before opening the door the occupant would look out of this opening to see if any Indians were around. On the morning of this incident my grandfather looked out, as usual, and saw an Indian with his gun pointed at the door of the adjoining cabin. He took down his rifle, loaded it, asked my grandmother to hold a charge in her hand, and then, not wishing to frighten her, said he saw a deer; he fired and wounded the Indian, whereupon other Indians appeared and carried off the wounded one. The settlers were roused by the noise of the shot and traced the trail of the Indians a long way by the drops of blood, but could not catch up with them. I was much interested in visiting the cabin, which was then used as a chicken house and was still standing on its original site on the farm owned by my grandfather, and in actually looking through the very hole through which my grandfather fired.

My maternal grandfather was Samuel Shaw; I know he lived in Carlisle, Pa., and married my grandmother there, her maiden name being Rebecca Lowry Black; I was named Rebecca Lowry after her. My mother, named Abigail, was born in Carlisle, February 19, 1789, and was eight years old when her father and mother moved to Kentucky. My grandfather Shaw located on a farm near my grandfather Marshall, and both families grew up together in the famous "blue grass region."

In the year 1820 a number of families emigrated from Kentucky to Ohio and Missouri; my father and mother were among the emigrants and went to Missouri. They located on a farm near Boonville, and there the four younger children were born,

two sons, Joseph Miller and William Rainey, and two daughters, Sarah Jane and myself, Rebecca Lowry.

In 1830 my grandfather Shaw, having become dissatisfied with slavery, decided to remove to a free state and Illinois attracted him; he went to Quincy with his family, consisting of five grown children, his wife having died, and located on a farm three miles out of the village, where he died in 1832.

My father had financial reverses in Missouri, chiefly owing to the burning of a large barn stored with tobacco, and he decided to join my mother's family at Quincy. I was born on May 30, 1830, and in the following September my father moved to Quincy. They traveled, as all emigrants did in those days, in covered wagons during the daytime, and camped out at night. My father bought a farm in the vicinity of grandfather Shaw, but before he was able to move onto it he was taken ill with typhoid fever and died, leaving my mother with six children, the eldest one twelve years old, and the youngest, myself, six months. Now came the time to show what a heroine my mother was; she moved to the farm with her small children that fall, and the first winter proved a terrible one for her. She and all the family had the ague, as indeed all the inhabitants of that region were subject to chills and fever; my mother had a chill every alternate day, and on the intervening well day she worked hard to get ready for the sick day. I was so ill that my aunts kept me at my grandfather's place; no one thought I would live, nor desired me to live, as it was deemed I could not have good sense should I live; yet now I am well and vigorous after eighty-three years of active life.

In 1832 an epidemic of cholera visited the country and was particularly severe in Quincy and the surrounding district. My grandfather Shaw and my oldest brother were stricken with the dread disease, and both died the same day; my aunts were helpless from fright, and my mother had everything to do; she prepared them for the burial, and returned from the funeral to take up her burden again. One of her neighbors, Mr. Edward Pearson, helped her in every way he could, and they both nursed cholera patients without catching the disease.

My mother's next trial was the death of the eldest of the remaining children from fever; after this she rented the farm

and moved into the village of Quincy. My first recollections begin when I was about five years old; our family numbered five, my mother, two brothers, aged nine and eleven, a sister seven years old, and myself; my sister died in her eighth year. My brothers and I attended a school taught by Mr. Stafford and his sister, situated near where we lived; I must have learned to read at this early age, as I can never remember the time when I could not read. Mr. Stafford's mother taught me to work a sampler also, and I well recollect how patient the dear old lady was, how stupid I was, and how many tears I shed; I have thought ever since it was a mistake to teach children too young. From the time I was nine years old until I was fourteen, I was very fortunate in attending a school kept by a lady of fine character and education; she was a Mrs. Thornton, and I feel that I owe all I know to her faithful teaching.

My mother was a strict disciplinarian; with her to speak was to be obeyed. I remember one instance: my brother William was very easily provoked to laughter, and one day began laughing in school; the teacher demanded to know what caused him such mirth; my brother's answer did not please the teacher, and he gave him a severe whipping. My brother felt that the teacher was unjust, so he took his books and went home; mother heard his complaint, and then took down a whip and told him to return to school, which he did. The teacher afterward acknowledged he was wrong, and begged my brother's forgiveness. In those days discipline was strictly maintained, and there was no need of parental schools.

My mother had two brothers who served in the Black Hawk War; one died during the war, and the other retired with the rank of captain; he lived in the mining region of Wisconsin, about twelve miles from Galena, Illinois. My brother Joseph went to live with this uncle when he was sixteen, and in a year or two my brother William joined him; this left my mother and me alone.

In the spring of 1844 mother and I visited my brothers, and we remained with them a year; to me it was a year full of physical benefit, as the great freedom from school, and out-of-door life at a period when I was growing rapidly, estab-



lished my health, and I think my four score years are due to this one year spent in the lead mining district of Wisconsin.

We returned to Quincy in the spring of 1845, and I again took up my school duties; but my good, efficient teacher, Mrs. Thornton, had gone to Oregon, and the school seemed to be run to support the teacher, not to educate the pupils. I made very little progress, and have always felt that I was defrauded of the education I ought to have had.

In 1849 my brothers left Wisconsin and went to the new territory of Minnesota. In May of that year my brother William came for mother and me, and, much to my delight, we started for our new home. We came by steamboat to Galena, and then changed to another boat for the upper Mississippi. The trip in those days was delightful; the boats were large, the captains were gentlemen, and the food was of the best. Since traffic by railroad has been introduced, all this has been changed.

Our trip up the river was made at the most favorable time of the year, and most of each day was spent on the hurricane deck; the scenery of the upper Mississippi was grand, far surpassing the Hudson. I feel very sorry for people who traverse Europe for the purpose of enjoying grand scenery and have never looked upon the magnificent bluffs of the Mississippi river. Our boat, the *Lady Franklin*, with Captain Smith in command, landed at Mendota the morning of the tenth of May, 1849, for Mendota was then of more importance than St. Paul. Mr. Sibley, afterward Governor and General, lived there; as he was the delegate to Congress from the territory of Minnesota, his residence and influence had made Mendota a place of prime importance. After lying there most of the day to discharge freight, the *Lady Franklin* brought us to St. Paul, as all our passengers were bound for this point.

The only hotel here was a small one built partly of logs and partly of frame work, called the St. Paul House; it was situated on the corner of Third and Jackson streets, on the site of the present Merchants' Hotel. Besides being the only hotel, it was also the post office, and Mr. J. W. Bass was both landlord and post master. Here we were crowded like sardines in a box, and some of the younger members among the passen-

gers had to sleep on the floor, I among the number. One of the passengers was a Mrs. Parker from Boston, the future landlady of the American House then being built.

Those days are very vivid in my memory. The morning after our arrival a Miss Bishop introduced herself to us as the school teacher, and asked my mother and me to take a walk with her and see the village, I might say, the Indian village. Our walk took us up a high hill at the rear of the hotel, from which we had a splendid view of the bluffs on either side of the river as far as to Fort Snelling. All the surrounding country was in its primitive state, and the prospect was a glorious one; as we gazed around there came to our notice Dayton's bluff (but not Dayton's then) on the east; what is now Summit avenue on the west; and the Wabasha bluff on the north. Could anything be grander than the view at that time? Who could imagine then that this little French and Indian village would one day become one of the largest and most important cities of the Northwest? Oh, if our future citizens could have realized this great fact, how much more wisely would they have wrought! The Third street bluff might have been kept intact as a boulevard for all time, and Summit avenue could have been laid out so as not to destroy the bluff line. God did everything for our city, but man's greed has defaced the Creator's work.

The second day after our arrival a party was made up to visit St. Anthony Falls, noted from the time it was discovered by Father Hennepin on his voyage down the river in 1680. We drove up the river until opposite Fort Snelling, and then lost our way; no one in the party knew the road, but after going through the woods for some distance we finally struck the right path between St. Paul and St. Anthony. During our drive we saw several deer, and realized we were indeed in the wilderness. The thunder of the falling water reached our ears long before we came to the famous cataract; but when at last our eyes saw the great volume of water that rushed over the precipice, the sight surpassed all our expectations. It was superb; no one can realize now anything of the grandeur of the scene as it was then; no wonder that the poor Indian worshipped the Great Spirit of the cataract. But here again man has de-

stroyed for utilitarian purposes what the savage worshipped.

The only building, except sawmills, at the Falls of St. Anthony at that time, May 11, 1849, was a boarding house for the mill hands. Two sawmills were operated on the east side just below Nicollet island; several small buildings were in the process of erection, however, and among them a one-story frame house was being built by my brothers, Joseph M. and William R. Marshall. The front room was intended to be used as a general country store, and the rooms back of that for a residence; it was the only plastered house in the village. Today the Pillsbury "A" mill stands near the site of that early home, and the little village of 1849-50 has long since been swallowed up in the progress and enterprise which have built the stirring city of Minneapolis.

After remaining a few weeks in St. Paul, waiting for our house to be finished, we moved to St. Anthony. We had very little furniture, as everything had to be hauled by team from St. Paul; aside from merchantable things, only what was absolutely necessary for our living was taken over; our dining table all summer was a dry goods box, although my mother had brought fine mahogany furniture with her, tables, chairs, sofas, bureaus, washstands, and dining-room set. Governor Ramsey wished to buy the parlor set, offering my mother several hundred dollars for it; my brothers urged her to sell it and buy real estate, but she said that she had but a few years to live and she wished to live those few years respectably. Part of this furniture is still preserved by the family as an heirloom.

The summer of '49 was a most interesting period in my life. I had been raised under the strict rules laid down by the strictest sect of the Presbyterians, and had never been to a dance, theater, or any place of amusement supposed to have the Evil One for a patron. Here I was like one let out of prison, and each day was one of joy and gladness. People were pouring into the Territory; every steamboat's passenger list was full; every stage arriving in the village of St. Anthony was crowded with tourists; some came to settle, others to spy out the land. The stage stopped within a few rods of our house, and the tourists always crossed from our side of the river to Hennepin island, on a foot bridge, in order to get the

best view of the Falls. They were invariably enraptured with the sight; as I have said, the fall of water at this time was grand, the river not being obstructed with logs, and the precipice over which the river dashed not having broken away. My brothers had inherited the hospitable spirit of our Southern ancestors, and our home, poor as it was, became a center of entertainment; and thus it was that those travelers from the far East partook of our meager fare, with many thanks, all the recompense asked. It is a great source of regret to me that I did not keep a visitor's book during the years of 1849-50, as so many distinguished people were our guests during those years, some spending two or three days, while others took only one meal.

Our guests were not all white citizens, however, for many a time when I was busy in the house I became conscious that some one was near me, and on looking around I saw a half dozen Indians inside the door; their moccasined feet had not made the slightest noise. It was not very pleasant to have such visitors, although they were perfectly harmless; they were inveterate beggars, and would never leave until you gave them something to eat. After a while I learned to keep the outside door locked.

Altogether that first summer in our new home was delightful, but we all dreaded the approach of winter. It would be at least five months after the close of navigation before it would be resumed, and during that time we should be practically prisoners, our only means of communication with the rest of the world being by stage, a very hard and dangerous journey in any direction.

A great number of young men from eastern cities came also that first summer; most of them settled in St. Paul, commercial life appealing to them more than manufacturing. Many succeeded in business, went back east to marry, and returned with their brides; few, very few, of these founders of our commonwealth are now living, but their children and grandchildren are our present active citizens. Fortunately for our new Territory, the rough class which emigrated to Colorado, Montana, and the territories farther west, did not come to Minnesota, there being no mineral resources to attract them.



Governor Ramsey and the other territorial officers came in May, 1849. Most of those officials were old war horses, who had been living on politics the greater part of their lives; although many of them were men of ability, I am sorry to say that in many respects they did not prove shining examples. Ramsey was an exception; he had plenty of good common sense, and though not as brilliant, perhaps, as some of the judges, he was a safe man and made a most excellent governor, never, however, losing sight of the political outlook and the part he was to play. He was most fortunate in having a charming wife, to whom was due much of his success, and of whom I shall have more to say later.

The American House, with Mrs. Parker as landlady, was headquarters for the territorial officers. Mrs. Parker was a large, handsome woman, rather masculine, but well adapted to conduct the business of a frontier hotel. Hon. Henry M. Rice, afterward delegate to Congress and United States senator, was the principal owner of the American House, and he had secured her as landlady; there was a Mr. Parker, but he was chiefly known as Mrs. Parker's husband. When the hotel was first opened, it was called the Rice House, and it continued to be so called until there arose a quarrel between Mr. Rice and Mrs. Parker. I do not know the cause of it, but I know that Mrs. Parker felt so bitter that she practiced at a mark for weeks, declaring her intention of shooting Mr. Rice. Finally, however, she gave up her desire for blood, and revenged herself by changing the name of the hotel from Rice House to the American House, and later it was burned down. Mrs. Parker built a fine dwelling on Irvine Park, was confirmed in Christ Church, and lived to an honorable old age.

St. Anthony was first settled by lumbermen who came from the vicinity of Bangor, Maine; they were a sturdy, honest, and industrious class of men. We were the only family of Southern lineage, but my brothers were also typical pioneers, with plenty of enterprise and endurance. Brother William, although not then twenty-four years of age, became a leader in both business and political affairs. He surveyed and platted the village of St. Anthony in the autumn of 1849, and named the streets.



The inhabitants being also God-fearing men and anxious for mental improvement, built a schoolhouse, which was to be used as a church and lecture hall as well as for school purposes. The Presbyterian, Baptist, and Methodist ministers from St. Paul came over on alternate Sundays to hold service in this building, and my mother always gladly entertained them from Saturday night until Monday morning.

St. Paul and St. Anthony united to celebrate the Fourth of July, 1849, with a parade, a banquet, and a ball. The army corps from Ft. Snelling was invited to join in the parade, and indeed it really was the parade, but I was too busy preparing for the ball to see it myself. The oration of the day was delivered by Judge Meeker in a grove on the site of Rice Park; the banquet was held in the American House in the afternoon; and the ball was in the same place in the evening. These festivities also marked the opening of the American House. The élite of both villages attended the ball, and as the men outnumbered the women there were no wall flowers throughout the evening.

Just before supper was served, my attention was attracted to a group of ladies who had entered the dining-room; they were Mrs. Ramsey, Mrs. Sibley, Mrs. H. M. Rice, and Mrs. Steele. I do not think four handsomer women could have been found in the United States. Mrs. Ramsey was easily distinguished from the others, however, on account of her regal bearing, and she immediately captured my admiration to the exclusion of the others; but meeting the other three at a later date, and seeing how beautiful they were, I wondered how I could have been so partial that evening.

The first Territorial Legislature met in St. Paul in the fall of 1849; it met in the Central House, a boarding house near Third street and what are now Cedar and Minnesota streets. Besides being a hotel, it was also the place where many society functions were held. My brother William was a member of this legislature and frequently walked from St. Anthony to St. Paul to attend to his public duties. This was the legislature which decided the location of the Capitol, the State University, and the State Prison; of course the capitol had been already located in St. Paul by Congress, when General Sibley was our territorial delegate, but many attempts were made to

have it moved, and several times the efforts were very nearly successful. My brother earnestly argued for locating the State University at St. Anthony.

A few society people in St. Paul planned to celebrate Christmas, '49, by a sleigh ride to Banfil's on Manomin creek, about nine miles above St. Anthony. I was invited to be one of their guests, and Mr. Whitall, a brother of Mrs. H. M. Rice, was my escort. The sleighing was fine and being well protected with fur robes the drive was delightful to us, and it seemed very short. We arrived at Banfil's in time for an early supper, which consisted of viands that even in these luxurious days would be tempting to the appetite; after supper the dining-room was cleared, and we had a grand dance.

The musicians were colored barbers from St. Paul, and the leader was a large, fine-looking man named Taylor; he had a voice a brigadier general might envy, and as at that time the figures were called off, a clear, strong voice was much sought for. He was killed in the Indian outbreak of '62. This colored band was in great demand in both St. Paul and St. Anthony during several years.

We danced until the wee, small hours of the morning, and then retired for a short rest; after a breakfast equally as appetizing as our supper of the night before, we prepared for our drive home.

An amusing incident occurred just as we were ready to start for home. One of our party was a stalwart, young man, afterward known as Sonny Dayton; he was quite smitten with a young lady whose escort was a Southerner of blue blood, but of diminutive stature. This couple were seated opposite each other when suddenly Mr. Dayton came up to the sleigh, lifted the small escort out, jumped in himself and signaled the driver to start. The Southerner was what was called a fire-eater, and we fully expected coffee and pistols for two, but happily the affair closed without any blood being shed.

When the restraints of an older and long settled community are thrown off, as they are to a large extent in newly settled districts, an unseemly indulgence is often a source of great embarrassment to those of stronger character, and the experience of those early days bore ample testimony to this fact.

I remember well the New Year's Day of 1850. I was spending the holidays with Mr. and Mrs. Edmund Rice in St. Paul; early in the morning of this day a delegation of Sioux Indians from the west side of the village, which was still an Indian reservation, called to pay their respects. They shook hands with us, said in English, "Happy New Year," and then seated themselves on the floor. Mr. Rice sent to the baker's for bread, and gave each one of them a loaf; after staying a short time, they bowed in a very courteous manner and left. During the afternoon several of the territorial officers called; they were gentlemen born and bred, but they had so far forgotten both birth and breeding that they fell far below our savage guests. Mrs. Rice felt so insulted by their behavior that she had what we women call a good cry, when they at last reeled out of her home.

My brother William became greatly interested in some of the young clerks who had fallen under this influence, and brought them to our home to recover from the effects of too much liquor. He persuaded two of them to resign and return to their homes; one of them became a prominent Baptist minister, and the other a famous editor in Dayton, Ohio. They both said they owed their salvation to my brother's efforts in their behalf. My brother was also held in such respect by the territorial officers that during a week when he was a guest at the American House, while busy surveying an addition to St. Paul, no liquor was served at the table; but, to compensate themselves for their self-denial, on the Saturday my brother left, the officials of the Territory had a jamboree and flooded the dining-room as well as themselves with the vile stuff.

In the spring of 1850 the Episcopalians began missionary and pastoral work in the Territory, and the Associate Mission, consisting of three clergymen, Rev. James Lloyd Breck, Rev. Timothy Wilcoxson, and Rev. John A. Merriek, arrived in St. Paul and located on the mission grounds now called Park Place. They organized Christ Church in St. Paul, and planned to visit Stillwater, St. Anthony, and other places, holding service once a Sunday. They walked to these several stations and were faithful workers in God's vineyard. The seed sown then has

produced a truly bountiful harvest for the reapers who are now gathering it and sowing again.

One little incident occurred that summer which is worthy of being told. One Sunday we expected the Rev. Mr. Wilcoxson to hold service in St. Anthony, and my mother prepared supper for him in her hospitable way, but he did not come. My brothers and I went to church, and found that he had gone directly there. The service began, but in the midst of it Mr. Wilcoxson fainted; the congregation was dismissed, and later, when he was taken to our home, we found out that he had walked from St. Paul and begun the service without having anything to eat; nature was outraged and rebelled. We took the best possible care of him, and the next morning, after a comfortable breakfast, he left us to return to St. Paul. As a sequel to this, five years later when my mother lay dying in St. Paul, Mr. Wilcoxson comforted her with the Church's prayers and blessing.

A personal experience during this early residence in St. Anthony shows how the unexpected may come to pass. A young man from Boston became the guest of my brother, and being a devout Episcopalian held many an argument with me over our differing religious beliefs, he upholding the "faith once delivered to the saints," as represented by the Episcopal Church, and I arguing for my mother's form of doctrine, represented by the Presbyterian Church. Finally he ended our argument by saying, "You will some day be a good churchwoman, and to help you become such an one I will send you a Book of Common Prayer, and I know you will use it." I said, "You will only be wasting money, as I will never use it;" but he was as good as his word, and I received a beautifully bound copy of the Prayer Book. In the year 1853 I married a devout churchman, and the prayer book sent was used until it had grown shabby, and it has since been carefully preserved as a memento of former days.

In June, 1850, I enjoyed two interesting and unique river excursions. One was early in that month, when Mrs. North and I were guests on a little steamboat called the Governor Ramsey, on its trial trip up the river; the boat was built above the Falls, to ply on the upper Mississippi, and it was small and



of very light draught. We left St. Anthony one morning, the weather being delightful so that we spent all our time on deck under an awning. Captain Rollins, if I am not mistaken, was in charge of the boat; at evening he tied up to the river bank, navigation being so uncertain that the pilot did not dare to proceed during the night. We reached our destination the next day, and, I think, landed at what is now Saint Cloud; at least, it was below Sauk Rapids.

At this time a treaty had been arranged by the Governor between the hostile tribes of Indians, the Sioux and Chippewas, to take place at Fort Snelling; so awaiting our boat were several hundred Chippewas to be transported to the fort. Mr. Beaulieu was the interpreter; he was a French Canadian who had lived many years among the Chippewas, and had an Indian wife. The Indians came on board, and we steamed down the river on our return trip. Mrs. North and I were much interested in watching our Indian passengers, who were well controlled by their chief; no body of white men could have behaved better. Indians are great admirers of red or curly hair, and my hair, though brown, curled naturally and profusely, and it was so worn according to the fashion of those days. Several of them came to me and lifted my curls in their hands, saying in their native tongue, "Pretty, pretty." It did not make me feel very comfortable, but I knew that they meant no harm, only admiration, and I didn't resent their familiarity. The homeward trip was charming; the little steamboat stood its trial trip satisfactorily; but it did not prove to be profitable afterward, and it was taken to pieces and transferred to the Red river.

Quite a party of St. Anthony people attended the treaty at Fort Snelling, on the 12th of June. We went in a farmer's wagon and across a prairie where now stands the city of Minneapolis, not a single cabin meeting our eyes in any direction; there were many wild flowers, and the air was fragrant with the wild strawberries. We passed Lake Calhoun and Lake Harriet, and crossed their outlet above Minnehaha Falls. Like St. Anthony Falls, the natural beauty of these lakes and of the picturesque Minnehaha have been partially spoiled by the hand of man.



It was an interesting scene at the fort; the Chippewas were stationed on the ground inside the fort, when the Sioux marched up the steep hill and circled around their deadly enemies. The commandant had the guns trained on them ready to use if there should be the least outbreak; but the Indians were cowed, knowing the white men had them in their power. The Chippewas were a much finer appearing body of men than the Sioux; and their chief, Hole-in-the-Day, was a dignified, grand looking Indian, reminding one of the Indian chiefs we read about in colonial days.

Governor Ramsey and the commissioners had everything planned, and acted with such good judgment that they accomplished what they wished. On our return home across the prairie, we lost our way and were several hours getting back on the right trail, so we arrived home late in the evening.

Fifty-one years later I met these tribes of Indians, or rather members of these two tribes, amid very different surroundings and on a very different occasion; it was at the funeral of our beloved Bishop Whipple, held in the cathedral at Faribault. A band of Christian Chippewas and a band of Christian Sioux came to show their love for one who had been to them truly an apostle; each band had a share in the service, one band singing a hymn in their native language during the service in the cathedral, and the other band singing outside the cathedral at the close of the service. I, who had known them when to meet was to murder each other, could not but marvel at the power of Christ which could convert deadly enemies into brothers. The hymns they sang were much more effective as funeral hymns than those rendered by the cathedral choir; and I remember feeling this same way when attending the memorial service for Queen Victoria in Honolulu. The native Hawaiians sang at that service, and their music was pathetic and solemn, being much better adapted to a mournful occasion than that of the American choir.

My second river excursion was enjoyed on the first steamboat that made an exploring trip up the Minnesota river. On the morning of June 28, 1850, the Anthony Wayne under charge of Captain Dan Able left St. Paul for a journey up the

unknown waters of the St. Peter river, now called the Minnesota. There was a gay crowd on board, composed of our most prominent citizens, with quite a number of young men and women who later grew to be the bone and sinew of our great Northwest. At this time I was the guest of Mrs. Edmund Rice of St. Paul, in whose home I met the gentleman who was my escort on the excursion; he was Gen. Sylvanus B. Lowry of Stearns county, whose principal city, St. Cloud, was then a small village. General Lowry was a Kentuckian by birth, the son of a Presbyterian minister, and had all the polish of a well-born gentleman. We had a band of music on board, and also a quantity of fireworks, which were to be fired off the night we reached the highest point on the river. I shall never forget the beauty of that ride; the vegetation was perfect, as it always is in this climate in June; the banks were gay with wild flowers of gorgeous hues, and acres and acres of wild roses covered the islands we passed by. We landed at various points, amusing ourselves by gathering flowers and walking through grass a foot or more in height. Sunset brought us to a mission station, now the city of Shakopee, and the missionary in charge was the Rev. Samuel W. Pond.

The Indians there were Sioux or Dacotahs; they had never seen such a monster as a steamboat, and were so excited that Mr. Pond would not let us set off the fire works, and said that the Indians probably could not be restrained and might cause great trouble. The night was anything but peaceful, however; it was not the Indians who disturbed us, but billions upon billions of mosquitoes; they filled the air, and the walls of our cabin were black with them; we walked the deck all night fighting them off. In the morning the captain concluded he had reached the highest point to which it was safe to go and turned homeward; aside from the plague of mosquitoes, we had a jolly time dancing and feasting to our heart's content. Again my greatest admirers on this trip were some half-civilized Indians who often touched my curly hair, saying, in their language, "Pretty, pretty."

My mother's health not being very good, my brother William thought it best for her to visit her old home in Kentucky,

and accordingly arrangements were made for us to spend the winter of 1850-51 in the South; we were to leave St. Paul on the last steamboat of the season, about the first of November, and we boarded in St. Paul at the Central House a few days waiting for the steamer. At the hotel we found Miss Harriet E. Bishop prepared to be a passenger also; we were much surprised to find that she had decided to leave, thinking her more permanently established than many others. But a great disappointment had come into her life, and as her story was quite romantic and unusual for those days, I shall tell it here.

In 1848 Governor Slade of Vermont, who was much interested in educational matters, sent out two teachers to Minnesota; they were Miss Amanda Horsford (later Mrs. H. L. Moss) to Stillwater, and Miss Bishop to St. Paul. One year later he sent Miss Backus to St. Anthony. Miss Bishop found St. Paul an Indian half-breed village with a very few white people, but she opened the first school here in a log hut and did her duty faithfully to her pupils. As I have before said, she was the first one to greet us on our arrival in May, 1849, and she became quite intimate in our family and was always a welcome visitor.

Miss Bishop became engaged to Mr. James K. Humphrey, a young lawyer of St. Paul, and some years younger than herself, but not her equal intellectually. She was devoted to him, and during all one summer had planned to be married in the fall; Mr. Humphrey had built a pretty cottage on Irvine Park; the trousseau had been completed, and everything was going smoothly; but, alas, there was a rock ahead which made shipwreck of all these fond anticipations and plans. Mr. Humphrey's sister, Mrs. Selby, came back from the East, where she had been spending the summer, and she forbade the bans; her only reason stated was that Miss Bishop was older than her brother; and he then and there proved our opinion of him, that he was weak, and broke the engagement. Miss Bishop was broken-hearted and decided she could not remain in St. Paul; we all sympathized with her, but thought that she would realize after a time that he had not been worthy of her love. Nevertheless the result was that her life was wrecked and she

seemed to lose her fine mental balance. She married a few years after this, and was the author of a historical book entitled "Dakota War Whoop, or Indian Massacres and War in Minnesota, of 1862-3;" but she had lost her prestige as Miss Bishop, and twenty years later she died in this city, almost unknown. An island in the river was named Harriet after her, and today this island is covered with the Public Baths and Playgrounds, so that in a certain sense her name will always be connected with the education and enlightenment of youth.

Upon our arrival South, it was thought best that I should spend a few months in a boarding-school in Quincy, Illinois, my former home. The school was organized and run by Catherine Beecher, sister of Henry Ward Beecher; the teachers were all from Boston and very celebrated women. I had the privilege of selecting my studies, and chose music, Latin, French, and history. Mrs. Dana, an aunt of Richard Dana, author of "Two Years Before the Mast," was the history teacher; and her daughter, Miss Dana, taught Latin and French.

In June, 1851, my mother and I returned to Minnesota and to our home in St. Anthony. The trip by steamboat from Quincy to St. Paul was delightful in the beautiful summer weather; the present generation cannot realize what the Mississippi was and still is.

The summer of 1851 passed very much as did the summer of '49; numerous tourists came to view the country, and many became permanent residents. One especially interesting event of that summer was the visit of the Swedish authoress, Fredrika Bremer; she was the guest of Governor and Mrs. Ramsey, and they brought her to St. Anthony Falls to enjoy its beauty. They called on my mother, and later my brother William and I accompanied them on a visit to Mrs. North, who lived on Nicollet island.

It is very hard to believe that sixty years ago that island had only one house on it, and that one built of logs; it was also heavily wooded, and in its wild state was very beautiful. There was no bridge connecting it with the main land; the crossing had to be made on the pine logs lying in the mill dam



above the sawmills. Mrs. North was a fine musician, and I had taken music lessons from her, and so I had become quite accomplished in making this dangerous passage every day. But naturally Miss Bremer was terrified at the prospect, and Governor Ramsey and my brother had to use their best persuasive powers to get her started on the perilous journey. Fortunately the logs nearer the mill were more tightly jammed, and the noted authoress reached the island safely. Mrs. North entertained us with some of the finest selections of music, both vocal and instrumental, and at the conclusion of our visit we returned to the main shore over the same log jam. I remember one remark of Miss Bremer on that memorable visit; she was asked to sing, but declined, saying, "I only sing for God in the church, and for little children."

When I now visit the city of Minneapolis and see Nicollet island, with its streets and row upon row of houses, street cars crossing it, and bridges on either side, I think progress is all utilitarian. No grand cataract, no magnificent forest trees, no majestic river, are there now; but everything has been bound and fettered, to add to the wealth and comfort of man. I am glad that I lived in the wild days when nature reigned supreme.

In the fall of 1851 I went to Rock Island, Illinois, to act as bridesmaid to my friend, Miss Slaymaker, and while I was away my family made a momentous change. My brothers had decided that the future of St. Anthony would be greatly retarded from the fact that the water power was in litigation, and that it might be years before the lawsuits would end and the power could be used; but they knew that St. Paul, as the head of navigation, was bound to be a commercial city, and so they decided to remove to this place. Then, too, the strife between the "Twin Cities," as they were fain to be called, was well begun.

St. Anthony residents contended that their city was the head of navigation; and indeed, to prove it, one steamboat was induced to ascend the river as far as Cheever's landing, a point near where the University now stands. The citizens of St. Anthony made a great celebration over the event, and in the evening a dance on board the boat was given; but on the re-



turn of the boat to St. Paul, the captain said that nothing would ever induce him to take that risk again. He had not expected to reach St. Paul without the loss of the boat, and perhaps of life; but we passengers knew nothing of the danger and enjoyed it all. As far as I know, that was the first and last time a boat reached Cheever's landing.

On my return to St. Paul from the wedding, I found my family living there. My brother had bought several lots on Irvine Park, and had a much more comfortable house than the one we had in St. Anthony.

The winter of 1851-2 was spent very pleasantly; small dancing parties were given, and many sleigh rides were taken on the river to Fort Snelling. In the spring of '52 my brother Joseph kept the house on Irvine Park, and my brother William bought a house on the northwest corner of Rice Park and Fourth street, into which my mother, himself, and I moved. In this house I was married, and in it my mother died; it has long since been torn down, and the only thing left to remind me of those old days is a maple tree, one of a row that my mother had transplanted there; it still flourishes, but each spring I expect it will disappear to give place to modern improvements.

In this locality was the First Methodist Church; it was built in 1849, and was used as a place of worship by the Methodists for many years; later it was occupied by the New Jerusalem or Swedenborgian congregation; it still stands to remind us of the day of small things, in contrast to the present beautiful Methodist church edifice just completed in a fashionable part of the city. I do not think that one member of the congregation who worshipped in the little brick church on Rice Park in 1849 is now living. Truly, man passes away like a shadow, but "the word of God abideth forever."

In 1852-3 my brothers had a hardware store on Washington street, near the corner of Fourth street; they sold it to John Nicols, and it is now a large wholesale store, the firm name being "Nicols, Dean & Gregg," two of the proprietors being son and son-in-law of the Mr. Nicols who purchased it from my brothers. Afterward my brothers organized a bank that failed in the great panic of 1857, which was so general

that not one citizen of the Northwest escaped the crash; business houses fell down like card houses. Every one had to start anew to build up his fortune, but all being young and full of energy we went to work immediately; in a few years we had forgotten the trials and economies of the panic, which really lasted until the outbreak of the Civil War in 1861.

As I think of those years, I cannot remember that the loss of money made any of us unhappy; we all went down together, and we were all willing to economize and live plainly, entertaining our friends and having a happy time in a simple way. Youth, happy youth, always hopeful, looks forward to the good time, which most of us realized.

We were living on Rice Park when I met my husband. I was taking tea with Miss Day, a friend of mine who was visiting her brother who lived on the corner of Wabasha and Tenth streets, opposite the old Capitol, and in the evening two young gentlemen called on us, Mr. William P. Murray and Mr. Alexander H. Cathcart. I had never met either gentleman before; the evening passed pleasantly, and in a few days, having asked my permission, both gentlemen called at our house. The winter of 1852-3 was a gay one, and my acquaintance with Mr. Cathcart progressed so rapidly that I was engaged to him in the spring, and we were married the following November on the tenth day of the month. Mr. Cathcart, born and raised in Toronto, Canada, was a member of the Church of England, and at his request, we were married by an Episcopal clergyman. After our marriage we attended Christ Church, became communicants of the church, and I am still a member, having completed my sixtieth year of enjoyment of this great privilege.

My mother had been failing in health for a year or more, and died in January, 1854; her grave was one of the first in Oakland Cemetery. She was a member of the First Presbyterian Church, on Third street midway between Market and St. Peter streets, of which the Rev. Edward D. Neill was pastor.

My marriage and my mother's death brought great changes to our household, and in the spring of '54 we left the home on Fourth street and for a few months lived on Seventh street below Broadway. We then bought a house on Robert street, at

that time a very pleasant location, though now one of the most forlorn parts of the city. The little cottage is still standing, and it is hard to realize that it was once a comfortable and happy home.

In the fall of 1857 my husband purchased a newly built residence on Summit avenue between Rice and St. Peter streets; at that time this location was one of the best in the city. The block opposite our home was owned by the Episcopal Church, and it was expected that the future bishop's residence and the cathedral would be built on those grounds.

The three clergymen, Dr. Breck, Rev. Mr. Wilcoxson, and Rev. Mr. Merrick, occupied a building there; the grounds were beautiful, each clergyman having a flower garden amidst the fine native oak trees; this gave us a charming outlook, and we felt settled for life. Alas, how uncertain life is! Now that fine neighborhood has deteriorated; the mission property has been allowed to go to rack and ruin; boarding houses have crowded in, and the bishop's residence and cathedral are in Faribault.

When we moved to the Summit avenue home, no grading had been done on either Rice street or St. Peter street. The ascent up St. Peter street was very steep, and the road ran through a Roman Catholic cemetery, one of the first to be located in the city. A little below, we crossed the street in front of the old Capitol on Wabasha street on a plank walk elevated a few feet, as all the ground below the St. Peter street hill was then a tamarack swamp; the trees had been cut down, but the swamp was not yet drained. It is very difficult now to realize that this condition existed, when I see that part of the city so closely built up with large substantial houses; and it seems like a dream when my mind, going back to 1857 and the following years, recalls the many nights I worried about my husband's returning after nightfall across that swamp, and lest he should stumble into one of the empty graves in the cemetery. Gradually this cemetery was removed, and when St. Peter street was graded and the mission grounds leased to a company who were to build the Park Place Hotel, it became necessary to remove all the bodies remaining; it was a grue-

some sight to see wagon load after wagon load of them taken away.

On the mission grounds there was a spring of water, which was supposed to contain a great deal of iron, and the good clergymen had it so arranged that people generally could drink the water, thinking it very beneficial; but, like many other so-called health-giving remedies, it proved, on being analyzed, to have no medicinal qualities at all, but to be only the seepings of the tamarack swamp.

The panic did not materially affect Mr. Cathcart's business until 1862, when he compromised with his creditors, by giving or assigning to them all his property, and continued to carry on his dry goods store, the largest one in the city. We removed from our homestead on Summit avenue, between Rice and St. Peter streets, to another house on Summit avenue near where James J. Hill now lives. This house was built by Mr. Masterson, a young lawyer, who went East and brought back his bride to this far Western home, but his visions of happiness disappeared within two years, as his wife died; the house was closed, and it was not again occupied until we moved into it in the spring of 1863.

Mr. Masterson had planted grape vines on his terraces, and also pear and peach trees; he was fond of gardening and took great care of the little orchard. Knowing that peaches and pears were too tender to endure our cold climate very well, he dwarfed the trees, training the branches on the ground so that they could be well covered during the winter; as a reward for this skillful care, the trees and vines were all bearing fruit in the fall of '63. He was proud of the results of his labor, as well as he might be; these delicate fruits had never before been raised in this climate out of doors, and, as far as my knowledge extends, they have never been grown successfully up to this time, 1913. Grapes of a hardy variety are grown in abundance, but Mr. Masterson was able to raise the choice varieties which have never been cultivated so far north.

Wishing to give his friends a rare treat, he invited over a hundred of them to partake of the fruit on the lawn surrounding his former home, and urged every one to eat all he or she



could, afterward distributing what was left among them. Our family received a quantity of pears, which being kept in a dark place improved with age. I have written about this little attempt at fruit growing in early days because I am almost the only one left to remember this feasting on fruit which was supposed impossible to be raised in Minnesota; but Mr. Master-son's enthusiasm expired after he had proved his experiment to be successful, and he allowed both grape vines and fruit trees to die out, so that there was never again such a picnic on those grounds. A fine residence has now replaced the house built for his bride, and an automobile garage occupies the terrace where his grape vines grew.

Summit avenue was a lonely place at this time. Between it and Selby avenue stood a dense forest of native oaks, and the few houses were separated by large, unoccupied grounds. Many and many a night, after the Indian massacre of 1862, have I lain awake listening for the Indian warwhoop, and thinking how easily they could come through the woods and kill us all.

Our present inhabitants, in their palatial homes that line our famous avenue, may think that I am drawing on my imagination in giving these pen pictures, but it is all true.

The foregoing reminiscences have told some of the incidents of the Territorial days and the early statehood of Minnesota; and I wish now to emphasize the social life and qualities of some of my early friends and acquaintances.

As I have said, the Twin Cities were particularly fortunate in the class of young men which they attracted. They were mostly college-bred men from fine families, who had the enterprise and enthusiasm to test Horace Greeley's advice, "Go West, young man, go West."

Those who went to St. Anthony have proved what they could do by the wonderful city of Minneapolis, which in time absorbed the town of St. Anthony. Almost all the pioneer founders have passed into the Great Unknown, but "their works do follow them." The little village has become a great and mighty city, known all over the world in sending the "staff of life" to its utmost bounds.



St. Paul, being the head of navigation, and the state capital, attracted the commercially and politically inclined; many of the young men who came here were budding lawyers, prospective merchants, and bankers. They had so much energy that they did not sit down and wait for business,—indeed, that would have been a weary waiting,—but set to work at the first task that offered itself; some who afterwards became famous as lawyers and bankers, taught school, did carpenter work, or employed their time in other ways earning an honest penny. Most of them had become engaged to be married before coming out here, and as soon as they could make and keep a home they brought their brides here, and then began the social life of our city.

As early as the years 1843-4 some of the most prominent citizens were living at Fort Snelling and Mendota. Henry H. Sibley married Miss Steele in '43, and when Governor Ramsey came in May, '49, he and his wife were entertained by Mr. and Mrs. Sibley in their hospitable home at Mendota. Franklin Steele, Mrs. Sibley's brother, was then sutler at the fort, and he had a charming wife who became a leader in the social life of our city.

I must not neglect to give due honour to the very earliest pioneer women, Mrs. John R. Irvine and Mrs. Jacob Bass. We forty-niners found them here, and they antedated us by several years. Mrs. Irvine came in the year 1843, and endured great hardships in the truly pioneer days; she was a remarkably handsome woman, and her mental characteristics equalled her physical beauty; through all the trying years before this Northwest could be called civilized she kept her womanly qualities, and when refined social life displaced the early frontier society, Mrs. Irvine took her place among the best; during the many years she was permitted to live in our midst, she was prominent in all good works, and died at a good old age, greatly regretted.

Mrs. Bass came, a very young bride, to the French and half-breed village called St. Paul, and assisted her husband in welcoming the new comers whom every steamboat brought to the newly organized Territory. I remember well the pleasant

greeting which my mother and I received on reaching the St. Paul House, after the dreary landing at what seemed to us the end of civilized life. Mrs. Bass was then the mother of two sons, one aged six years and the other six months. Edgar, the elder, and I became friends and spent part of each day picking flowers in a deep ravine back of the hotel, and decorating the dining-room table. The difference of twelve years in our ages did not prevent our comradeship, as Edgar was a manly little fellow; he became an officer in the U. S. army, and is now on the retired list. Mrs. Bass helped greatly in the formative period of our social life, and when her husband became wealthy and built a beautiful home on Woodward avenue, she entertained in a most hospitable manner; and, by the way, their house was the first one in St. Paul to have French plate glass windows. She died this past summer, 1913, and we all feel that our city has been made the better for her life.

Ex-Governor Marshall, in his address before the old settlers of Hennepin county, considered the coming of Henry M. Rice the turning point in favor of St. Paul. Socially it was a most fortunate incident, for Mr. Rice brought his bride, a charming Southern girl, in the spring of '49, and they began housekeeping in a cottage he built on Third street near what is now Washington street; this cottage was beautifully furnished, and it was the beginning of one of our loveliest homes. Mr. Rice had the task of removing the Winnebago Indians from their reservation at Fort Atkinson in 1848; it was a most difficult undertaking, as the Indians were very unwilling to move to the cold Northwest. While superintending the removal of this tribe, he became interested in St. Paul and bought an interest in the village from John R. Irvine; this property was surveyed and called Rice and Irvine's Addition, and afterward it became an important part of the city.

Another addition to the social life of 1849 was the arrival in July of Mr. and Mrs. Edmund Rice, with Mr. Rice's sister, who later, in 1851, married Mr. William Hollinshead, a prominent lawyer from Philadelphia. Mr. Rice being a lawyer, a law firm was established bearing the name, "Rice, Hollinshead & Becker."

Another charming family came that same summer, Rev. Edward D. Neill and wife; Mr. Neill purchased a lot on the corner of Fourth street and Rice Park, and built a two story brick house, which was a most attractive home for many years. This was the first brick dwelling house in the city. Mrs. Neill, a very attractive lady, became a social power, standing for the best religiously and socially. Mr. Neill built a small chapel on Washington street during the summer of '49, and this chapel was the progenitor of the First Presbyterian Church built on Third street in 1850; unfortunately this chapel was burned down in the winter of that same year.

Mr. J. W. Selby and his family came in '49 also; they came from Ohio, and after looking around Mr. Selby decided to buy a farm adjoining the village; this farm extended from what is now College avenue to Dale street, and from Dayton avenue to Summit avenue. On hearing of this purchase, Mr. Rice said, "What a fool Selby is to go out into the woods." Mr. Selby built a very small cottage on the hill near where the First Methodist Church (now abandoned) stands; St. Anthony hill, as it was called, was very steep and had a tamarack swamp at its foot, crossed by a corduroy bridge. After the arrival of Mrs. Selby, with her sister and an attractive young brother, this home became the social center for young people, and one of the chief winter diversions was coasting down hill in front of their house, where Selby avenue now is. After some years Mr. Selby built a very handsome residence on Dayton avenue, on a lot which ran back to Selby avenue. I can well remember the time when Mr. Selby's cows and horses pastured luxuriously on this farm site, and I felt the force of Mr. Rice's comment; but now these "woods" are in the most thickly settled portion of the city. Mr. Selby died before his property became very valuable, however; his widow sold the homestead to Norman Kittson for a large sum, and Mr. Kittson built a grand house on the site of it. Since his death the mansion has made way for the Roman Catholic Cathedral, which is now in process of erection. Mr. and Mrs. Selby were devout Presbyterians, Mr. Selby being an elder in the First Presbyterian Church and an ardent supporter of the pastor, Rev. E. D. Neill.

I trust their knowledge is now so developed in the Great Beyond that their souls are not vexed by the cathedral occupying their old home site.

In May, 1849, Dr. Charles William Wulff Borup and his brother-in-law, Mr. Charles H. Oakes, came to St. Paul and added much to our social life. Both gentlemen married wives of mixed French and Indian blood, who were sisters and had been well educated in an eastern school; they were ladies and a great addition to our little circle. Both men built attractive homes, much more modern than any other in our embryo town; Dr. Borup's occupied a city block fronting on Ninth street, and his garden and hothouses were the admiration of our citizens for many years. Mr. Oakes' residence was on Eighth street, and at that time and for several years later Eighth street from Jackson to Broadway was the fashionable part of the city and boasted many handsome houses.

We are indebted to Dr. Borup for the first musical cultivation in St. Paul; he was very fond of music, had a fine musical education, and his family of several daughters inherited his talent and became fine pianists under his training. After his home was finished, Dr. Borup gave frequent musicals in which local talent assisted, and one of these local musicians became the founder and principal supporter of the later musical societies of St. Paul. Richards Gordon's name and the work he accomplished are well known, but back of him great credit should be given to Dr. Borup for the high standard he set as the musical impulse of our people. The entertainments given by Mrs. Borup and Mrs. Oakes were of the most refined type, and I feel sure that any one attending them could easily have imagined she was in an eastern city, instead of a frontier town in the extreme Northwest.

One of the young men who came in '49 was Dr. David Day; he had not selected his bride then, but waited several years before he brought from Pittsburg a most charming young woman, indeed a very young woman, only eighteen; she was the daughter of General Butler of the United States army. Dr. Day died some years since, but his widow and lovely daughter are still with us, and no social function is complete without



dear Mrs. Day. I must also mention here Mrs. Day's older sister, the widow of Senator McMillan; the senator and his wife came to Stillwater in 1854, and to St. Paul in '56. Senator McMillan's ancestors were Scotch-Irish, descendants of the Covenanters, and his religion was a part of his life never laid aside, but Sunday and week days the same. His wife fully agreed with him, and their family was raised to truly love God and their fellow men; no personal sacrifice was too great to show their loyalty to God and his divine laws, or to help their neighbor. Mrs. McMillan is still with us, and surely her children and grand-children "rise up and call her blessed."

In 1849 Mr. Henry L. Moss, a young lawyer of Stillwater, married Miss Horsford and brought her to St. Paul to live; Miss Horsford was one of the teachers sent out by Governor Slade, you remember, at the request of Dr. Williamson, one of the early missionaries, and she had settled in Stillwater, an older place than St. Paul and larger at that time. Mrs. Moss was a remarkably intelligent, well educated woman, petite and attractive in appearance, and greatly interested in all philanthropic work. Mr. Moss built a home on Exchange street, near Irvine Park, where they lived for over fifty years. They gave many notable entertainments, of which two should go down into history, the one in 1874 when they celebrated their silver wedding, and the other in 1899 on the occasion of their golden wedding.

Among the early merchants were three brothers who came to St. Paul in 1849; they built a two-story building on Third street near what is now Exchange street, and this building is still standing and apparently will last another half century. These brothers were Abram, Edwin, and Charles Elfelt, sons of a Jewish family in Philadelphia; this family belonged to a very high class of Jews, the same from which Walter Scott took his character of Rebecca in *Ivanhoe*. It was Washington Irving who told Scott about her; she was a Gratz, and in her grandfather's time Jefferson was often a guest at his house. A great-granddaughter, married to a cousin of Ex-Governor Marshall, told him that Jefferson wrote the Declaration of Independence in her great-grandfather's house.



The Elfelts were refined, cultivated men; they opened a fine stock of dry goods in their new building, and for several years they had the leading dry goods store in the city. In 1852 Mr. Abram Elfelt brought his bride from Philadelphia, a most beautiful woman, who became a social leader; their daughter, Mrs. Bramhall, is now prominent in advancing plans to improve our civic life, and especially in conserving our forests. Mr. Elfelt built a modern house on the west side of Irvine Park, and furnished it with furniture brought from Philadelphia. Mr. and Mrs. Elfelt were most hospitable, and many dancing parties were given in their beautifully appointed home.

The second story of the Elfelts' dry goods store was a hall, which was called Mazurka Hall, and it filled a great need during several years; almost all our public dancing parties were held there, and many public meetings. I often think that this building should be purchased by the city, to be preserved as an historical relic. It is sad for us pioneers to see building after building demolished, which rendered such great service in the early days; and many times not even the site is preserved, but all must give way to progress.

Many have written about the pioneer men, but very little has been told of the pioneer women who came from luxurious eastern homes to endure the hardships of our border life. How nobly they bore them, and what brave men and women they reared to take their places and carry on their work of advancing Christianity and civilization in this great territory.

Among the most notable of these women stood Mrs. Ramsey, the Governor's wife; she was not only queenly in appearance, but had most charming manners. Her Quaker education had given her simplicity, which, combined with cordiality, impressed one with the genuineness of her character; no one for an instant could think she was acting a part. Her tone of voice and manner of talking were so fascinating that I loved to listen to her. She was the same charming personality after returning from Washington, where Governor Ramsey had served as Secretary of War and of the Treasury; no worldly prosperity could change her. The last entertainment she

gave was a reception, perhaps two years before she died; after the reception she was criticized for being close, as she had neither flowers nor music. All the disagreeable things said came to her ears, and she said to me, "I gave that reception without flowers or music on purpose; I could have had both, but I wanted to show my friends that a reception could be given in a simple way. It was the kind of an entertainment that most of our citizens can afford to give, and I wanted to rebuke the extravagance of our friends of moderate circumstances." Her death was a great loss to our city, where she dominated society and set a sensible example to our citizens.

Mrs. Goodhue, wife of James M. Goodhue, the founder and editor of our first newspaper, *The Pioneer*, was a woman of unusual intellectual ability and very great social qualities. She not only kept her household in order, but could edit her husband's newspaper in an emergency. Her sister, Miss Cordelia Kneeland, lived with her, a young lady whose great wit and conversational talents made a success of many of our social entertainments.

Indeed, when I think of the fall of 1849 and the winter of 1850, I cannot imagine a finer society than existed in the villages of Mendota, St. Paul, and St. Anthony, and at Fort Snelling, small as the numbers were. All attended the social functions given in St. Paul, and, with the regimental band from the fort for music, the parties could not fail of being a success. Most of the entertainments had to be given in a hall or hotel, of course, as the few private homes were too small to accommodate them.

In July, 1850, Colonel Robertson of Ohio became a citizen of St. Paul; and his wife, a very attractive young matron, became noted for her hospitality. She was the first person to have regular "at home" days. Her sister, bride of Lafayette Emmett (afterward Judge Emmett), was also a most charming hostess and both Mrs. Robertson and Mrs. Emmett were for many years a social and intellectual force among us.

In the spring of 1851 General James H. Simpson arrived, accompanied by his wife and a young sister-in-law, Miss Champ-  
lin. Mrs. Simpson was a fine pianist, and proved an added

inspiration to our musical society, taking part in the musical entertainments given by Dr. Borup. Her brother, Mr. Champ-  
lin, married Dr. Borup's oldest daughter. Mrs. Simpson was not only a cultivated musician, but a very fine conversationalist, and had a very cheerful, bright disposition, always seeing the humorous side of life. Such a cheerful temperament endeared her to her friends, who, however despondent, always felt happier after an interview with her. Both the General and his wife were devout Christians, members of Christ Church, and were a great help in sustaining the parish in its formative period; both have passed away years since, but their works live after them.

Miss Champlin married John B. Cook, and for many years dispensed a gracious hospitality in the city; both have now joined the great majority across the "dark river."

In 1852 Mr. and Mrs. Charles L. Willes came from Cleveland, Ohio, Mrs. Willes coming on her wedding trip; they bought a home on Irvine Park, adding another to our attractive homes. Mrs. Willes was beautiful and refined, worthy to join the group composed of Mrs. Ramsey, Mrs. Sibley, and others of our company forming the best society. Mr. Willes had the advantage of some of our young men, in that he was well to do and could help in civic improvements in many ways. Mrs. Willes is still with us, and her children and grandchildren are leaders in social and intellectual life.

In May, 1853, Governor Gorman came with his family; Mrs. Gorman did the honors of the governor's mansion in a most gracious way; she was fond of entertaining, and during her husband's term of office, and for several years after, kept open house for all, and many were the social gatherings that were enjoyed there. The most notable event, perhaps, was the marriage of her eldest daughter to Harvey Officer, a rising young lawyer of St. Paul; the wedding ceremony and reception were held at the home, and nothing was lacking to make the occasion a society function equal to a wedding of these latter days.

Mrs. Gorman's sister, wife of Robert A. Smith, many times Mayor of St. Paul, was a great assistance to Mrs. Gorman in

entertaining; she is still living, and although her later years have been spent in caring for an invalid husband, she is remembered as a gracious entertainer, not only at Mrs. Gorman's, but later at her own home on Summit avenue. May she be with us many days to come!

Another most charming woman must not be forgotten, Mrs. Prince, wife of the late John S. Prince, one of the most prominent early bankers; upon her arrival here, in 1854, she took her place as a leader in society. Mr. Prince built a most attractive home in lower town, and from the time it was occupied until his death no home in the city equalled it in hospitality; delightful entertainments for both old and young were given, and to be welcomed by Mr. and Mrs. Prince was an event in one's life. I remember one occasion when a children's party was in full swing; Mr. Egbert Thompson came in and in a depressed manner said, "Well, I have missed it all my life; when I was young, children were of no account, and now, when I am old, old people are of no account." Mrs. Prince lived to a good old age, dying this past summer, 1913; each year of her life was a benediction to her children and her friends.

Yet another of the women who came in 1853 is with us, Mrs. Hunt, widow of Mr. Edgar Hunt; she is a deeply religious woman, and has been a power for good in the Episcopal Church, as well as in the community; her children and grandchildren have followed in her footsteps, and are active workers in church and society for the uplift of all.

In March, 1854, William R. Marshall brought his bride from Utica, N. Y.; she was the daughter of George Langford, a banker, and was connected with the most prominent families of Oneida county. Mr. and Mrs. Marshall began housekeeping on the corner of Fourth street and Rice Park; Mrs. Marshall, having been reared in the center of culture and refinement, brought these qualities into her new home, and for forty years she was a most delightful hostess.

Through her influence, two of her sisters also became residents of St. Paul; one was the wife of William Spencer, son of Joshua Spencer, the most noted lawyer of New York; and one was the wife of James W. Taylor, who became prominent as our



consul at Winnipeg, being held in such esteem by the English that at his death the flag of Windsor Castle was lowered. Both these women had a delightful personality, and took a leading part in social life for many years; they were also most efficient in helping to care for the sick, in the days before trained nurses, or indeed any kind of nurses, were here. In those days kind neighbors went and ministered to the helpless ones; and many now living can remember how the anxieties attending the sick bed were removed when Mrs. Spencer appeared, and many a dying one's last hours were comforted and soothed by her gentle words and tender ministrations. Children and grandchildren are living in our midst and "rise up to call her blessed."

Mrs. Marshall also influenced two young brothers to join her in the fall of 1854, and these brothers became permanent citizens. Mr. Nathaniel P. Langford died in October, 1911, greatly lamented, having taken an active part in all our civic affairs and always for the benefit of the city. The other brother, Augustine G. Langford, married Elizabeth Robertson, daughter of Col. D. A. Robertson; he died in Denver many years since, but the sons, Nathaniel and William Langford, are among our best business men, and, no doubt, their children will follow in their footsteps.

In 1860 Miss Fanny Spencer visited her brother, William Spencer, and during this visit she met Mr. Amherst H. Wilder, who immediately fell in love with her; they were married in 1861, and settled permanently in St. Paul. This marriage proved a very important event for the city, not only in starting a new home and adding to the social life, but eventually in founding the "Wilder Charity," which will continue to benefit the worthy poor among us for all time. Mrs. Wilder was a very superior woman; she had a fine education, and all her early life had been spent in the midst of intellectual and cultivated society; the guests in her father's house were such men as Henry Clay and Daniel Webster, and she imbibed from her earliest years a love for things which make for refinement and culture. She excelled in conversation, and could maintain her side in argument with the most highly educated men. A sad calamity it was to St. Paul when the Wilder family, father,



mother, and daughter, Mrs. Appleby, passed away within a few years of each other.

So, indirectly, the coming of Mrs. Marshall brought a number of people who have added to our growth both in intellectual advancement and wealth.

In the spring of 1854, Mr. and Mrs. Thomas W. Coleman came here from Canada; they resided in St. Paul several years, and afterward in Iowa, but returned here in 1877. Mr. Coleman invested largely in real estate, and also bought stock in one of our banks; the family consisted of two daughters, Jenny and Emily, and a sister of Mrs. Coleman. Mrs. Coleman and her sister, Miss Newington, at once became important members of our circle, having moved in the best society in Canada, and we all know an educated Englishwoman cannot be excelled in refinement and good manners. Mrs. Coleman played delightfully, and many impromptu dances were indebted to her for the music which added so much to the enjoyment of the young people. Mr. Coleman purchased the Brown residence, which afterwards was sold to the city for a hospital, and their home became a place where young people loved to congregate. Miss Newington some years later became the wife of Ex-Governor Gorman, and for many years led in church work and philanthropic and social activities. Miss Jenny Coleman, the older daughter, married Mr. G. W. Armstrong, a young lawyer, and their sons, James and John, today rank among our most useful citizens; one is a lawyer and one a physician, continuing the good work begun by their father and grandfather. Mrs. Armstrong is now living, a most gracious lady beloved by all who know her.

I hope I have done justice to a few of the pioneer women who bore the heat and burden of the day; we were truly blessed in the character of these women who laid the foundation of our family and social life; their children and grandchildren have maintained their principles, so that St. Paul is known as one of the most refined cities in the Union. I have mentioned only a few of the gracious, charming women who made their home among us then; but I have neither strength nor time to write of the many who came after 1854, and who kept up the high moral and intellectual standard of their predecessors.

Our method of entertaining in those early days made us all like one family, each of our friends, or perhaps only a certain number of our friends, contributing to the menu; this was made necessary because we had no public caterers and our domestic help was very inexperienced. One of the wonders of that time was what famous housekeepers and cooks our ignorant, helpless brides became; after sixty years the mention of their names brings to mind the savor of good viands. When an entertainment was planned, one would send the salad, another the rolls, and another the cake, etc.; the hostess had very little to do, except to see that her house was in order; and she, of course, returned those favors when her friends entertained. I was amused and reminded of old times, when celebrating the fiftieth anniversary of my arrival in St. Paul, by having some of the older friends say to me, "Why did you not ask me to make the salad?" or "Why did you not send to me for cake?" and "I expected to have to send you some lamps." When I was married, Mrs. Goodhue made the bride's cake, and Mrs. Emmett and Mrs. Simpson assisted in making the fruit cake, salad, etc., for the supper. Such close intimacy endeared us to each other, and the bonds of friendship lasted all through our lives.

During those days surprise parties were quite common, or at least so-called surprise parties; but the lady of the house that was intended to be surprised always had a hint that something unusual might occur on such and such an evening. We generally received a hospitable welcome, and soon the dancing began and a delightful evening was spent.

One party, however, was made more of a surprise to the guests than to the host and hostess. In the family of one of our prominent citizens there was a young lady visiting; the young people thought it would be all right to take music and refreshments and surprise the hostess and her guest in the customary way. The hint was duly given, and the hostess signified that the party would be welcome; everything went off as scheduled; the guests were welcomed by the hostess, as her husband was out of town; dancing began soon, and all were having a merry time, when the host came home quite unexpectedly. He was

furious at having his home invaded by uninvited guests, although they were the cream of our little circle, and he told them in no very civil words that when he wanted guests he would invite them. The guests left in double-quick time, and none of them ever entered that house again; the hostess, a lovely woman, never had a social position, or, rather I should say, a position in society. This ended surprise parties among our best society people.

Telling of parties, I must not omit one which proved almost a tragedy; I am not quite sure of the year in which it occurred, but think it was the very cold winter of '55. The party was given by Mr. and Mrs. D. A. J. Baker at their farm, now Merriam Park. There was a stretch of prairie to be crossed, reaching from what is now Mackubin street but then called Marshall's farm, to what is now Snelling avenue. The invited guests started about seven o'clock in sleighs to meet at a rendezvous and go all together, which arrangement proved very fortunate and saved many lives. On reaching the crest of the hill, called St. Anthony hill, a sharp wind met them and the atmosphere became filled with snow in a short time; it was a genuine blizzard. The road was soon obliterated, and the instinct of the horses remained their only guide. Mr. John Cathcart led the line of sleighs, and he said afterward that it was much more like a funeral procession than a prospective dancing party. One or two of the sleighs wandered out from the line, but fortunately reached a house on Governor Ramsey's farm, quite far to the north of University avenue, or, as it was then called, the "Territorial road." They were fortunate in finding shelter for the night, as otherwise they would have been frozen to death, there being no other house within miles. The party led by Mr. Cathcart finally reached Mr. Baker's, but how it was impossible to tell; several of the party were frostbitten, but only one seriously; a Mr. Wolf had his hands frozen and suffered intensely, but recovered eventually without losing his fingers. My brother William started for Mr. Baker's in a double sleigh drawn by a fine pair of horses, but had gone only a short distance when he turned back, realizing the great dan-

ger of being lost in a Minnesota blizzard. However, "All's well that ends well," and our party returned home the next morning grateful to the Power that guided them safely.

After 1855 immigration came so rapidly that a great change took place in our social life; the family parties were succeeded by social circles formed in the churches, the members feeling that they should become acquainted with each other. A few of us older residents still kept our social compact, but the early custom of all citizens meeting together had to give way to smaller and more formal affairs.

Now, after sixty-four years, few, very few, can remember those youthful, happy, hospitable days in the little French and Indian village which has grown into our great, cosmopolitan City of St. Paul.

## REMINISCENCES OF MINNESOTA POLITICS.\*

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BY HENRY A. CASTLE.

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I arrived in Minnesota in July, 1866, having left my old home at Quincy, Ill., on account of lung trouble contracted during my army service. I had always been interested in politics as a Republican. In May, 1864, I was a delegate to the Republican State Convention at Springfield, Ill., which sent delegates to the National Convention to re-nominate Abraham Lincoln as President. In that convention I wore my uniform as a captain of Illinois volunteers, having just recruited a company for my second term of service. This convention also nominated Richard J. Oglesby for governor of Illinois and a full state ticket. Returning from my army service in the fall of 1864, I made speeches in favor of Lincoln's election and cast my first presidential vote in November, for the great Emancipator.

I was thus, on coming to Minnesota, somewhat prepared to take an interest in political affairs. This tendency was stimulated by the fact that I brought with me letters of introduction to William R. Marshall, then governor, from his old friends in Quincy, where he had spent his boyhood years. Governor Marshall received me most kindly, and thus within a week after my arrival in St. Paul began the acquaintance which lasted during his entire life with constantly increasing respect on my part for his commanding abilities, sterling integrity, and amiable character.

I spent the fall and winter of 1866-7 at Anoka, and attended there in October my first political meeting in the state, which was addressed by General C. C. Andrews, then just returned from his prolonged and honorable army service. I was not yet a voter, but, had I been, should undoubtedly have voted for

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\*Read at the monthly meeting of the Executive Council, May 13, 1907.



Ignatius Donnelly at what proved to be his last election as representative in Congress.

1867.

On January 1, 1867, at the invitation of Granville S. Pease, then and now its proprietor, I assumed the editorship of the Anoka Union, a relation which continued for five years, although I only remained for a few months a resident of Anoka. In this capacity I helped organize the Minnesota State Editorial Association at St. Paul in February, 1867. There I met practically all the newspaper men of the state, only fifty or sixty in number at that time, and formed associations, many of which have lasted until now.

In April, 1867, I removed to St. Cloud, Minn., where I remained one year. Soon after my arrival I became involved, at the village caucus, in a political contest in behalf of my friend, Governor Marshall. He was a candidate for re-nomination and was opposed by the so-called Donnelly element of the party, then specially represented in St. Cloud by L. W. Collins, afterward justice of the Supreme Court, C. D. Kerr, afterward judge of our St. Paul District Court, and W. B. Mitchell, then and long afterward editor of the St. Cloud Journal. Governor Marshall's interests were represented by J. E. West, T. C. McClure, and others, and my belligerent disposition carried me into a wordy debate with Captain Collins, which afforded us material for some amusement in after years. Marshall was defeated at St. Cloud, but was victorious in the State Convention and was easily elected in November.

The state constitutional amendment granting equal suffrage was voted upon at that election, and was an issue in the campaign. I made some speeches in the northern part of the state, especially devoted to that issue, and some others in Stearns county in the interest of C. A. Gilman, candidate for state senator, pledged to the re-election of Alexander Ramsey, United States senator, which would occur during Mr. Gilman's official term. Gilman was elected, although Stearns county was strongly Democratic, and I thus gladly contributed somewhat to the election of Senator Ramsey for his second term.

During this canvass I heard, for the first time, Cushman K. Davis deliver, or attempt to deliver, a political speech. It

was at the court house in St. Cloud where Captain Davis, as he was then known, occupied the platform with Sam Beeman, a well known political orator from southern Minnesota. Beeman was a fluent and vigorous speaker, with a tremendous voice, and a remarkable gift of "continuance." He spoke for more than two hours, greatly interesting the audience, and when he closed two-thirds of those present left the hall. This was embarrassing for Captain Davis, who bravely started in, however, in a modest way, with a shrill voice to rehearse a carefully prepared speech. Within five minutes half of the people who had remained disappeared. Davis saw that he must be brief and tried to jump to the conclusion of his speech, but failed to land at the right place. He became covered with confusion, stammered and repeated himself, but finally struck his peroration and wound up what was admittedly a complete failure. Contrasting this episode with the wonderful success Senator Davis afterward achieved as an orator in many widely divergent fields, one must arrive at the conclusion that, in some cases at least, orators are made and not born. On my speaking with him many years afterward, when multiplied successes had made it safe to allude to this early failure, Senator Davis told me that he had other discouragements nearly as bad in his early career. During this same campaign he spoke at Lake City, where things passed off smoothly, as he thought, and he expected a glowing compliment in the local paper. Getting hold of the next issue he was astonished to see that the only allusion to his speech was couched in language something like this: "A young man named Davis also spoke. In our opinion this handsome young man would be more effective in addressing an audience of one with his arm around it."

1868.

I removed to St. Paul in April, 1868, and established my permanent residence which has since remained here. This was the year of the celebrated contest for the Republican nomination to Congress between Ignatius Donnelly, the then incumbent, on one side, and W. D. Washburn, General L. F. Hubbard, and General C. C. Andrews, on the other side. I had formed the favorable acquaintance of General Andrews during my year at St. Cloud, and had accumulated a growing po-

litical distrust of Mr. Donnelly. Consequently I opposed Donnelly's renomination in my editorials in the Anoka Union and I went to the district convention as a proxy delegate from Ottertail county (the first time that county had been represented in any convention) in the interest of General Andrews. Donnelly bolted the convention and was nominated by his friends with a pretext of regularity. In the anti-Donnelly convention, Washburn withdrew and General Hubbard was nominated. A little later, however, having been put in a false position as to a matter of arbitrating the differences by some of his campaign managers, General Hubbard resigned the nomination. The convention was re-assembled and General Andrews became the final nominee and made the campaign. The Democrats nominated E. M. Wilson of Minneapolis, who was elected in November, as the opposing Republican candidates divided the overwhelming party vote of the district. There were then only two Congressional districts in the state, and this district embraced everything north of Wabasha county.

The fight within the party was bitter and unrelenting. I made many speeches, winding up the night before election at St. Cloud, where I occupied the platform with Governor Marshall, and whence we sent to Mr. Wheelock's St. Paul Press, which ardently supported Andrews, the cheering intelligence that the prairies of northern Minnesota were on fire with enthusiasm for our favorite. The returns a few days later showed that he came out third in the race.

1869.

In January, 1869, occurred the second election of Alexander Ramsey as United States senator, which was full of surprises, criminations, recriminations, stratagems and strategies. I was an interested observer, being heartily in favor of our distinguished senator, but not sufficiently on the inside to know as to the truth or falsity of many of the serious allegations made in connection with the affair. Ramsey's following then, as later, while embracing unquestionably a very large section of the party, was controlled and manipulated by a select coterie of shrewd politicians, embracing Federal office holders and wealthy contractors in St. Paul and elsewhere, who had grown

rich from post traderships and furnishing army supplies, Indian goods, etc.

While Ramsey was thus successful in his re-election, the methods of his supporters had become somewhat unpopular and the nomination of Horace Austin for governor later in the year was distinctly an anti-Ramsey movement. Donnelly came serenely to the front as a candidate for governor against Austin in the Republican convention, and McKusick of Stillwater was another candidate, but Austin received a majority of the delegates. He had lukewarm support at the polls, however, from the dominating element of the party, and was elected by an uncomfortably small majority over George L. Otis, the Democratic candidate.

#### 1870.

General John T. Averill of St. Paul, a popular and able man, whom it was always a delight to honor, was the Republican nominee for Congress in 1870, and again Donnelly appeared, this time as an independent candidate with Democratic support. He announced that he would run solely on the platform of "Ignatius Donnelly." The Democrats made no nomination, and mostly voted for him, but Averill was elected. The St. Paul Pioneer, then the state organ of the Democracy, was non-committal and gave Donnelly little or no assistance. I happened to be present when General H. H. Sibley made a persuasive and almost pathetic effort to induce H. L. Carver, then the proprietor of the Pioneer, to support Donnelly in his paper. Carver said he would do so whenever the Democrats endorsed Donnelly, but as they failed to do this formally he was never called upon to fulfill his promise.

Mark H. Dunnell, who had for several years been State Superintendent of Public Instruction, was elected to Congress as a Republican from the First District this year, and began his notable career of fourteen years' conspicuously able and useful public service.

In 1870 I was appointed by Governor Austin a member of the State Board of Trustees of Soldiers' Orphans, and held the position by successive appointments for ten years or until the close of the institution. There was no salary attached to the



office. Among my colleagues Col. H. G. Hicks and Maj. O. B. Gould were specially prominent.

1871.

The state convention of 1871 re-nominated Governor Austin with little or no opposition. Mr. Donnelly came back into the fold, making a characteristic speech at the convention, in which he stated that he found the platform of "Ignatius Donnelly," on which he had run for Congress the year before, was altogether too narrow. He pledged himself to support the ticket this year and be a good Republican forever after. But the next year he was to be seen shouting in the front ranks for Horace Greeley, Democratic candidate for President, and during the remainder of his long life he was found, as a rule, active in the opposition.

One episode of this convention is significant as the first entry of C. K. Davis as a candidate in state conventions. F. R. E. Cornell, of Minneapolis, was attorney general and had no opposition for re-nomination. At the noon recess of the convention Captain A. H. Reed of Glencoe came to me and suggested that we go to Cush. Davis and ask him to be a candidate for attorney general as a representative of the Union soldier element. I willingly consented, though I doubted the success of our mission as Mr. Davis was then United State district attorney, which I regarded as an equally important and more lucrative position. To my astonishment, however, Captain Davis, without a moment's hesitation consented to run, showed much eagerness for success, and authorized us to get tickets printed and muster all his friends to his support. The time was too short, during the few hours that intervened before the nomination was reached in regular order, to secure enough votes to defeat Cornell. But the episode is interesting as indicating Mr. Davis' laudable ambition to get before the people, and as the beginning of a moulding of political events in his interest, which during the remainder of his life commanded my active support.

1872.

In 1872 General John T. Averill was re-elected to Congress from the St. Paul district, and Mark H. Dunnell from the First district. There was now, for the first time, an election for a



third Congressman, and H. B. Strait of Shakopee was elected, thus inaugurating a total service of fourteen fruitful years in the House of Representatives,—losing one intermediate term, 1879-81.

General Grant was renominated for President, and the St. Paul Republicans organized a Grant and Wilson club, embracing the entire city, which was a strong and energetic organization, doing very efficient work throughout the campaign. I had the honor to be unanimously elected president of this club, with Frank Fairchild as secretary, W. D. Cornish vice-president, and H. R. Brill, now our esteemed senior judge of the District Court, treasurer. At the November election, St. Paul went Republican on the national ticket for the first time.

In October I was nominated as a Republican candidate for the Legislature in the Fifth ward of St. Paul, embracing the territory now covered by the First, Second and Third wards. I was elected in November over James Smith, Jr., an old citizen and prominent lawyer, the Democratic candidate, after a spirited contest.

1873.

In January, 1873, began my service in the Legislature, which then met annually and was limited to a term of sixty days. It was, in some respects, the most notable session which the state had then seen. It was specially notable for the large number of members, who then were, or afterward became, distinguished in public life.

In the Senate were W. H. Yale, lieutenant governor, S. S. Beeman, Milo White, W. G. Ward, L. F. Hubbard, J. L. McDonald, D. M. Sabin, Edmund Rice, J. S. Pillsbury, C. H. Graves, R. B. Langdon, L. L. Baxter, Henry Poehler, and others almost equally distinguished.

In the House were A. R. Hall, speaker, George P. Wilson, T. S. Van Dyke, S. P. Child, W. C. Williston, E. W. Durant, George Benz, L. Fletcher, C. H. Clarke, A. Barto, F. E. Du Toit, E. St. Julian Cox, Stephen Miller, J. V. Brower, J. W. Blake, and others.

Of these men, two, Hubbard and Pillsbury, were afterward governors, and one, Stephen Miller, had already been governor; D. M. Sabin became United States senator; White, Mc-

Donald, Rice, Poehler, and Fletcher, became Congressmen; Baxter, Williston, Cox, and McDonald, became district judges; and several others occupied prominent positions in the political and business life of the commonwealth.

One unofficial episode of the session was an intense excitement created by the refusal of the Merchants Hotel to entertain the colored orator, Frederick Douglass, who came to St. Paul to deliver a lecture. "Deacon" W. L. Wilson solved the problem by taking Mr. Douglass to his home, but an indignant legislator introduced a resolution removing the capital from St. Paul on account of this insult to the colored race. The resolution went over under notice of debate and did not afterward materialize. Later in the session, Mr. George Benz and myself, the only two Republican members of the House from Ramsey county, secured an appropriation of \$10,000 to extend the old Territorial capitol, then in use by the State, after an effort nearly equal to that required in 1893 to begin the construction of our present capitol, costing nearly \$5,000,000.

A notable official episode of the session was the impeachment of William Seeger, state treasurer. I voted against the articles of impeachment, and have never had occasion to regret my action. They were overwhelmingly carried, but Mr. Seeger resigned and the Senate proceedings which subsequently ensued were nugatory.

The year 1873 witnessed the nomination of Cushman K. Davis for governor, an event of intense and lasting interest in itself, with many far reaching influences on the politics of the state. My own relations to this movement were somewhat intimate. It was the beginning of my separation from many of those with whom I had worked harmoniously within the party for several years. Hon. W. D. Washburn, of Minneapolis, was the choice announced for governor by the Republican influences which had dominated from the beginning of the state government,—the so-called Ramsey dynasty. Ramsey county was expected to go for Washburn; St. Paul had no candidate; Governor Austin was, in some quarters, talked of for a third term; and Augustus Armstrong, of Rochester, was put forward by that part of southern Minnesota. The St. Paul Dispatch, then an avowed Democratic paper, conducted by H. P. Hall, had, in

a spirit of supposed mischievous interference in Republican plans, frequently suggested the name of C. K. Davis for governor, but little attention was paid to it by Republicans in the absence of any indication that Davis desired the nomination.

One Saturday afternoon in Rice Park, H. R. Brill, then probate judge and active in politics, asked me if I thought Davis could be nominated. I replied that I had no knowledge that he desired the nomination. Brill said, "Let's find out, and, if he does, we can carry this county for him." The same day I received a letter from S. P. Child of Faribault county, asking me if Davis was a candidate. The next Monday I went to Davis' law office to find out. At the door I met W. L. Wilson, who was going on the same errand. We asked the question, and, without giving us a direct reply, Davis inquired what we thought about it. We told him that a good deal depended on Governor Austin's attitude. If he were a candidate, it would divide the anti-Washburn strength and there would be little hope; if he were not, we believed the experiment was worth trying, especially if we could get some assurances of a few leading St. Paul men of their active help. Mr. Wilson and myself agreed to make some inquiries and meet in the afternoon at Davis' office to report. Mr. Wilson saw D. W. Ingersoll, General J. B. Sanborn, and some other leading men, who said that they would support Davis. I went to the capitol to see Governor Austin. He was absent, but his private secretary, A. R. McGill, afterward governor, promptly assured me that Austin was not a candidate, was perfectly willing to retire, and that he, McGill, would gladly see Mr. Davis enter the field. I then went to former Governor W. R. Marshall, my mentor and friend, and was surprised to find him ready to embark heartily in the Davis movement. He had always been, and still was, a "Ramsey" man, but he said he would fight Ramsey's battles when Ramsey was a candidate; we would not sacrifice so good a man as Davis on the mere suspicion that his promotion might sometime in the future injure Ramsey. This was a manly and independent position to take, as was eminently characteristic of Marshall; but few of the other leading Ramsey men followed his example,—we had them all to fight.

Mr. Wilson met me at Davis' law office in the afternoon as agreed, and we made our encouraging report. Mr. Davis promptly decided to formally announce his candidacy, and taking from his desk a letter from Liberty Hall of Glencoe which inquired as to his position, he wrote a brief reply stating that he would be a candidate and would be grateful for the support of his Republican friends.

In order to secure immediate publicity, it was decided that I should take copies of these letters to the St. Paul Press, the Republican organ, and ask their insertion. The Press was outspoken for Washburn, but it was hoped that its editor, Mr. J. A. Wheelock, would print the correspondence as a matter of news.

I wrestled vigorously with Mr. Wheelock for two hours that evening. He did not refuse to print the letters, but labored hard to secure a reconsideration of the decision. He foresaw numerous political complications that would result, whether the movement was successful or otherwise, and urged me strongly to go back to Davis and induce him to change his mind,—but I told him the decision was final. Next day the letters appeared at the head of the editorial column, but were, as was expected, accompanied by vehemently adverse comment. That interview was the parting of the ways between Mr. Wheelock and myself, the beginning of a political estrangement that lasted twenty years.

The Davis men organized the city of St. Paul, and carried it at the primaries, winning in four of the five wards, and also in the country towns, and sending from the county convention a strong delegation for Davis.

Meantime a vigorous correspondence was carried on throughout the state, the time being very short, and the work for Washburn having been quite thoroughly done. The men largely relied on in the different counties to come down to the state convention in Davis' interest were Republican members of the last legislature and Republican editors of county newspapers. We had no money to pay the traveling expenses of delegates, but all these men had railroad passes, and then, as afterward in emergencies, proved a valuable resource to draw



upon when their services were needed. The editors, especially, were a practically solid phalanx behind Davis during all his political career.

Personally I visited a few counties, including Goodhue county. There I met General Hubbard, who, as soon as he was assured that Davis had an earnest following, went to work energetically in his own and other counties. General Hubbard had a vivid recollection of some injustice done him five years before by the influences that were now supporting Washburn; this, added to his sincere personal admiration for Davis, made him an enthusiastic and effective supporter. Gen. John B. Sanborn, always zealous, unselfish and faithful, was another tower of strength in this and future battles.

When the state convention assembled, it was found that, in spite of Governor Austin's announced declination, a good many county conventions had instructed their delegates to support him. Many of these delegates were now anxious to vote for Austin, unless he formally absolved them. Austin seemed afraid that Davis could not beat Washburn and hesitated to positively decline. In fact, he stated that, if nominated, he would be obliged to accept. This, in effect, made him a candidate and threw cold water on the Davis enthusiasm. If, on the first ballot, Austin should show more votes than Davis, our forces would be expected to go to him. At Davis' request I went to Governor Austin early in the morning of the day of the convention and frankly stated our position. I told him that Davis never would have gone into the race had not Secretary McGill positively assured me that he, Austin, was not a candidate; that now things had so shaped themselves that Austin's candidacy would be bitterly resented by the earnest friends of Davis, and that in this state of feeling Washburn would win the nomination. I asked Austin to write a letter to the convention, explicitly stating that he was not in the usual sense of the term a candidate, and had not been; that no delegates were there at his request, and that he would be satisfied to have either of the candidates, aside from himself, receive the nomination. He promptly agreed to write the letter and at once did so, sending one copy to General Hubbard, represent-



ing Davis, and another to Levi Butler, representing Washburn, and the letter was read to the convention. This letter accomplished the object of releasing some Austin men to Davis, so that on the first ballot Davis and Austin each received 77 votes; and thereafter Davis constantly gained, while Austin steadily lost. Years afterward I was told by one of Austin's friends that most of them considered he made a great mistake in writing that letter, and that they blamed me for suggesting it to him. But I have always considered it a manly and proper thing for Governor Austin to do,—furthermore, that but for this letter Washburn would have been nominated, many Davis men preferring him to Austin under the circumstances.

The convention met July 16, 1873, and in the preliminary skirmish the Washburn forces seemed to have a victory over the combined opposition in the election of William H. Yale of Winona as temporary chairman by a decisive majority, but subsequent events failed to justify this promise. The final ballot gave Davis 155 and Washburn 152 votes, thus by a narrow margin nominating our candidate and changing the entire political history of the state. Many interesting and exciting episodes occurred during the convention. A disputed ballot for Davis was found under the lining of General Sanborn's hat, used as a ballot box, and was counted, no doubt properly; if it had not been counted, Davis would still have had a majority. The excitement over the result was almost painful in its intensity. Davis appeared on the platform and made, as would be expected, a splendid acceptance speech.

A very influential personage in the Washburn ranks at this time, and in the ranks of the Ramsey element at all times, was General R. N. McLaren of St. Paul, United States marshal. He was an intelligent, systematic and tireless worker against us, and had many admirable qualities and was as generous and honorable an opponent as one ever meets in political warfare. One of his good qualities was a graceful, manly acceptance of defeat. He knew when his side was whipped. General McLaren came to me on the floor of the convention as soon as the result was known and said: "You must be chairman of the Republican State Committee; you have earned it; Davis'

friends are entitled to it in making his campaign, and I will try to see that you get it." I had no desire for the position with its responsibilities, and I told him I would not be appointed, as I knew the dominating influences of the convention operating through Chairman Yale too well to believe that this concession would be made. I was correct in my judgment. C. H. Pettit of Minneapolis was made chairman of the committee; it had little interest in Davis or the ticket; it raised a considerable campaign fund, but spent very little, turning over about three-quarters of it to the committee for the ensuing campaign. Davis made speeches throughout the state, and was everywhere received with enthusiasm. The people were with him, but the machine was against him. It was desired that his majority should be small. Ara Barton was the Democratic nominee, and Davis' majority was something like 6,000, as against three times that number for Grant as President the preceding year.

One thing which dampened the enthusiasm of the Ramsey Republicans who had opposed Davis, was the fact that his enthusiastic young friends, immediately after his nomination, raised the cry of "Davis for Senator in 1875." Davis himself looked with favor on this proposition, but was doubtful about the expediency of mixing it up with his current gubernatorial campaign. Still, as the state senators to be elected with him in November would hold over and have a vote in the United States senatorial election in 1875, it was necessary to make at least some preliminary movements in that direction. As one of those movements, Davis requested me to become a candidate for state senator from my district in St. Paul. I was antagonized by Hon. E. F. Drake, capitalist, railroad president, successful in business, able and experienced in politics, who was an avowed Ramsey man. The district embraced the Fourth and Fifth wards of St. Paul and the county towns. There were twenty delegates in the district convention, and when they went into secret caucus, I had twelve of them pledged and Mr. Drake had eight. But Col. John L. Merriam was a delegate inside, and when the doors were opened it was announced that Drake had received twelve votes to Castle eight, and that

Drake was nominated. This was a sample of the vicissitudes of politics to which we had already become accustomed and of which we were all to learn more later on.

1874.

Cushman K. Davis was inaugurated governor early in January, 1874. Shortly before his inauguration I was requested by Adjutant General Mark D. Flower, who like myself had been one of his ardent supporters, to go with him and ask Davis to appoint A. R. McGill as his private secretary,—McGill having served four years in that capacity for Governor Austin with distinguished ability. Governor-elect Davis promptly told us that he had already decided to appoint "Deacon" Wilford L. Wilson to that position. This was an unthought of thing to both of us, but I promptly recognized its wisdom and emphatically endorsed it. Davis was then under thirty-five years of age and had the reputation of being, to draw it gently, a little "wild," which reputation was very largely undeserved, but which made it especially appropriate that the antechamber of his official home should be occupied by a man twenty years older than himself, of the highest character for purity of morals and dignity of bearing as well as sincere religious faith and practice. Mr. Wilson's appointment was at once a guarantee of correct politics and dignified administration.

Senator Hoar of Massachusetts, in his eloquent memorial address after the death of Senator Davis, used this language: "He met every occasion with a simple and quiet courtesy. There was not much of deference in it; there was no yielding or supplication or timidity in it." The aged and dignified Massachusetts senator, accustomed for years to deference from everybody, showed in this phrase a tinge of disappointment that he had never received such from this stalwart young colleague out of the west. I never saw Governor Davis show much deference to people in all his career, but must make an exception in the case of Mr. Wilson. He showed him unquestioned deference and respect from the beginning.

When it was discovered that Davis could not make McGill his private secretary, Governor Austin, in the last days of his administration, appointed McGill insurance commissioner, in

the place of Pennock Pusey who resigned for that purpose. Davis was not consulted about this and resented it as an infringement on his prerogative. He was naturally sensitive and somewhat suspicious; and though he then admired McGill, and years afterward learned to trust him implicitly, to lean on him unreservedly and to confide his highest interests to his keeping, he was dissatisfied with this procedure. As a means of check-mating it, if found advisable, Davis went before a notary public and signed an oath of office immediately after the Legislature had canvassed the vote, and two days before the public inauguration. He thus became legal governor, and the appointment of McGill, which was promptly sent in by Governor Austin, was of no validity. The Senate held up the appointment until after the inauguration; but a few days later Davis personally requested the senators to confirm it, and from that time forward he was one of McGill's warmest friends. The fact of his taking the oath of office in advance was probably never known to more than three persons, and is only narrated now as an unwritten incident of politics which throws a side light on the relations and motives of the parties interested.

Soon after his inauguration, Governor Davis became an avowed candidate for United States senator to succeed Alexander Ramsey at the election to be held in the winter of 1875. W. D. Washburn and Horace Austin also entered the field as candidates, and the autumn of 1874 was largely devoted by their friends to securing the nomination of candidates for the Legislature in their interest. It was the field against Ramsey, and the three gubernatorial rivals in 1873 were now allies. In Ramsey county the conflict raged with great bitterness. Horace Thompson, president of the First National Bank, secured a nomination for the Legislature in the fifth ward, and though after his nomination he recognized Davis sentiment in St. Paul to the extent of pledging himself to vote for Davis for senator, enough Republicans in the fifth ward had become alienated to join with the Democrats and elect F. R. Delano as their representative,—although Flower, McCardy, T. S. White, myself, and many other Davis men, vigorously supported Mr. Thompson, relying on his promise which, no doubt, would have been fulfilled and might have been decisive in Davis' favor.



This year W. S. King of Minneapolis was nominated for Congressman; he was bitterly opposed by the St. Paul Press, under the management of Mr. Wheelock, who lavished his choicest morsels of invective in voicing his hostility. The people were warned against "The strumpet of corruption which strides in naked horror through the land," and were told how deeply they would be disgraced if King were allowed to succeed. He was nominated, however, and elected, but the pre-science of Mr. Wheelock was apparently justified. The Pacific Mail scandal came to the surface and Mr. King spent a considerable portion of his official term in Canada, evading the service of a subpoena to appear as witness in a Congressional investigation,—on the alleged ground, believed by many to be absolutely correct, that he was thereby protecting the precious reputations of many unsullied senators and congressmen.

1875.

The winter of 1875 witnessed, during the legislative session, the memorable senatorial contest which resulted in the defeat of Alexander Ramsey and the election of S. J. R. McMillan, then Chief Justice by recent appointment of Governor Davis. The leading candidates against Ramsey were Davis, Washburn, and Austin. The machine, that is, the Federal office holders and the railroad and capitalist element, carrying what we younger men called the "barrel" with them, presented a united front in favor of Ramsey. Davis was then leading candidate in opposition, and many of his sanguine friends believed he had the certainty of ultimate victory. There was no specially valid reason, as appears from this distant perspective, why Ramsey should have been displaced. He had served two terms in the Senate after creditable records as Territorial and State governor. But we were impatient and really thought he was too old to longer perform efficient service. The shortness of our vision and the irony of fate were vividly presented to my mind twenty-five years later, when I saw ex-Senator Ramsey, still hale and vigorous at the age of eighty, on a front seat at the funeral of Senator Davis, worn out and stricken down at the age of sixty-two.

When the legislature of 1875 assembled, active work began and the adherents of the different candidates were rounded up.



A secret caucus to nominate for United States senator was called for a certain evening, and the preceding night a conference of the friends of Governor Davis was held in his room at the capitol. Twenty-nine or thirty senators and representatives were personally present and each solemnly pledged himself to support the governor in the caucus. Two or three more were vouched for, so that we fully counted on a minimum of thirty-two votes. When the caucus met the next evening, Davis received twenty-one votes on the secret ballot. His real friends then saw how they had been deceived and resolved to expose the treachery. Senators L. F. Hubbard and Thomas H. Armstrong, who led the Davis forces, demanded a recess for consultation. They finally secured it and called on the Davis men to go to the governor's room. Twenty-nine men responded to the call, gathered around the governor and looked each other in the face. Senator Hubbard said, "Who of us are the traitors? The only way to find out is to abandon the caucus and appeal to the vote in the Legislature, where each man must be recorded." The result was that the caucus was adjourned and never again reassembled in force. Ramsey's adherents held what we called a "rump" caucus and nominated him. But this was not considered binding on those who did not participate, and the friends of the other candidates carried the fight into the open session of the Legislature. Here Davis received his twenty-one votes; he discovered who his true friends were, and was enabled to give a pretty good guess as to who were the traitors. After many weary days of caucusing and balloting and criminating, a compromise was effected by which all the other candidates were dropped and Judge McMillan, whom nobody had thought of at the beginning, least of all himself, was elected senator. He was re-elected in 1881, served creditably but not conspicuously for twelve years, and then in 1887 Davis came into his own.

One of the first acts of Senator McMillan, in the spring of 1875, was to recommend to President Grant the removal of J. A. Wheelock, editor of the Press, from the position of postmaster of St. Paul, to which he had recently been reappointed after serving four years. Frederick Driscoll, his business associate,

was assistant postmaster, both salaries, aggregating about \$7,000 a year, thus going to the support of the Republican organ. The President demurred, but Senator McMillan insisted, and since by long precedent the local postoffice is considered the personal perquisite of a senator, he finally had his way. Dr. David Day, his brother-in-law, received the post office which he held nearly fourteen years and administered with marked efficiency. But the iron entered the soul of the party organ. The defeat of Ramsey and the loss of the post office absolved the Press from its party fealty; having about that time consolidated with the old Democratic Pioneer, it became an independent newspaper with all that the name implies. It freely criticised Republican administrations, state and national, and for some time gave little support to party candidates, state or local. But Mr. Wheelock was too loyal a Republican, and too ardent a controversialist, to remain long in a position of neutrality. Within a year or two, the exaltation of Pillsbury in the party measurably consoled him for the occultation of Ramsey. The Pioneer Press donned its war bonnet and plunged into the midst of the fray, on the Republican side.

Governor Davis declined the re-election which he could have had for the asking in spite of some hostilities within the party, caused by the so-called "bolt" of his adherents in the Legislature. As a matter of fact, that movement never injured the political status of any who participated in it. Senator Hubbard was elected governor a few years later, and all the other friends of Davis in the Legislature had honorable political careers during the next decade. None of them was willing to give up his heritage as a Republican or surrender his prerogatives of local leadership. During the few years preceding, some of the ablest Republicans in the state had been driven from the party, after more or less serious defeats for nominations, etc., by the dominant faction,—among them Thomas Wilson, James Smith, Jr., Morton S. Wilkinson, Ignatius Donnelly, and William L. Banning. But the "Davis men" swallowed their defeat, justified their insurrection, and stood by their colors.

John S. Pillsbury was nominated for governor by the Republican State Convention of 1875, his opponents being Dr. J. H.

Stewart, of St. Paul, and Ex-Governor Horace Austin. Pillsbury was elected in November and served six years, through three terms,—the only governor of Minnesota up to this time who has enjoyed that distinction.

During Governor's Davis' term he tendered me several official positions which I declined, as I was then practicing law in St. Paul and preferred my professional work. Finally, on November first, 1875, he offered me the position of adjutant general, which Mark D. Flower resigned, for the brief remainder of his term. As this would not interfere with my plans, the duties of the office alluded to then being somewhat nominal and the salary correspondingly low, I accepted, and held over several months under Governor Pillsbury. I then voluntarily retired and Gen. H. P. Van Cleve, one of the recognized heroes of the Civil War, succeeded me.

#### 1876.

The year 1876 was made memorable by the Hayes and Tilden campaign for the presidency. At the convention which elected delegates to the Republican National Convention, I was made a member at large of the Republican state central committee. When the committee organized, George A. Brackett of Minneapolis was elected chairman and I was elected treasurer.

Dr. J. H. Stewart of St. Paul was nominated for Congress to succeed Col. William S. King, whose service had been neither creditable to himself nor acceptable to his constituents. The Pioneer Press was lukewarm in its support of Dr. Stewart, and the Dispatch, the only other daily paper in the city, was avowedly a Democratic organ. Finding that H. P. Hall, the owner of the Dispatch, was willing to sell it at a reasonable price, a movement was inaugurated in the special interest of Dr. Stewart to purchase the paper. Many leading Republicans promptly subscribed to the stock of the new concern, among them Senators Windom and McMillan, Governor Pillsbury, ex-Governor C. K. Davis, Postmaster Day, Russell Blakely, D. M. Sabin, General McLaren, General Hubbard, and others. Some of these subscribers made it a condition that I should take editorial charge of the paper, at least until after the November election, to which I consented. We took possession of the

Dispatch September 13, 1876, and in one day transformed it from a belligerent Democratic to an equally aggressive Republican sheet, to the great astonishment of many members of both parties who were not in the secret. The remaining six weeks of the campaign were made as lively as possible, and at the election Dr. Stewart was successful, and the State went for Hayes by a large majority.

After election there seemed to be a unanimous desire on the part of the Dispatch stockholders that I should continue as editor-in-chief of the paper, which position after deliberation I finally accepted. This terminated my professional work as a lawyer and began a career in daily journalism which I continued, except a short interval, for about nine years. The Dispatch under my direction warmly advocated the re-election of Senator Windom, and no formidable candidate appeared against him. The tremendous excitement succeeding the election, as to whether Hayes or Tilden had been chosen, is a matter of history and need not be detailed here. Suffice it to say that Minnesota had her share of the excitement and participated freely in the criminations and recriminations which were indulged in.

1877.

The first important political event of 1877 was the compromise at Washington by which the electoral commission was established to pass upon the electoral vote as between Hayes and Tilden, which resulted in the victory of Hayes by the narrowest possible margin, 8 to 7.

When the Legislature met at St. Paul no opponent to Senator Windom appeared, nevertheless he left his important duties in Washington and came here to look after his interests. Even after the Republican caucus had unanimously endorsed him and Windom had ostensibly returned to Washington, it developed that he tarried in Winona until he had actually been elected, thus betraying a nervousness and lack of confidence in his friends or in himself which was entirely unjustifiable.

John S. Pillsbury was re-nominated and re-elected governor; the state central committee of the previous year was continued, Mr. Brackett remaining chairman and myself treas-



urer during the years 1876 to 1878. I was furthermore secretary and treasurer of the state central committee (C. K. Davis, chairman) from 1881 to 1883, and chairman of the committee from 1884 to 1886. In 1884 our committee conducted the Blaine and Logan campaign, giving the ticket the then unprecedented Republican majority of 42,000 in this state. During all these campaigns I handled or was cognizant of all moneys collected and disbursed by the committees. It is a significant fact, in view of some heavy expenditures of campaign funds in this state during subsequent years, that the largest sum disbursed in any of these campaigns was the fund of 1884 which amounted to exactly \$850.

## 1878.

At the Congressional Convention of 1878, W. D. Washburn of Minneapolis defeated Congressman J. H. Stewart for the Republican nomination in this district. Ignatius Donnelly succeeded in getting the Democratic and "Granger" nomination. Then followed the celebrated "Little Brass Kettle" campaign, which created great excitement throughout the district, then embracing practically the whole of Minnesota north and west of St. Paul. Washburn was elected by over 3,000 majority, but Donnelly contested the election on the alleged technical irregularity of a few votes in Minneapolis, relying on a Democratic Congress to seat him. Donnelly came very near succeeding in this attempt, and the contest which was kept up during the entire two years of Washburn's term largely neutralized his influence.

I favored Stewart for the nomination, but ardently supported Washburn for the election both in the Dispatch and on the platform.

## 1879.

Previous to the Republican State Convention for 1879, it was announced that Governor Pillsbury would be a candidate for nomination a third time. There was no precedent for this proposition, and it was strongly opposed by many strong party men. Lieutenant Governor J. B. Wakefield and Gen. L. F. Hubbard were candidates for the nomination, and both had extensive support.



The Dispatch, under my control, vigorously opposed the renomination of Governor Pillsbury, although he and many of his supporters were still stockholders in the paper. Considerable bitterness was engendered during the pre-convention canvass. Pillsbury was nominated by the convention, and although the Dispatch supported him loyally as the party candidate, and although he was elected by a comfortable majority, I personally incurred his lasting enmity. The ill feeling between us lasted for twelve years, when it was finally terminated through the intervention of our mutual friend, Ex-Governor Marshall.

Pillsbury was nominated by the convention, as stated; but the remainder of the opposition "slate," which our friends made up, was victorious in the convention, namely, for lieutenant governor, C. A. Gilman, secretary of state, F. Von Baumbach, and treasurer, Charles Kittelson. Mr. Gilman here specially displayed the qualities of political astuteness and steadfastness, which were often seen later.

As a result of experiences in this pre-convention controversy, the Dispatch thenceforward assumed an independent attitude within Republican party lines. It adopted for its own guidance a platform of civil service reform and the elimination of state and federal officeholders from active manipulation of party politics. We thus antedated by more than twenty-five years the current Roosevelt policy which now commands practically universal approval. In this course I was sustained by stockholders owning more than a majority in amount of the capital of the paper, although a numerical majority of the stockholders, comprising officeholders and adherents of what we called the "old machine," were arrayed against me.

1880.

The lines were again drawn early in 1880 between the two elements of the party. The Republicans of the state were, admittedly, overwhelmingly in favor of nominating James G. Blaine for President. The officeholders and the machine were in favor of U. S. Grant. As a means of taking the state away from Blaine, the device of carrying it for Senator William Windom of our state as a candidate was adopted. C. K. Davis

was put forward in the Blaine interest for delegate at large to the Republican National Convention. A spirited campaign followed; Ramsey county was carried for Blaine and Davis, but the combined influence of the officeholders and of state pride resulted in the selection of a Windom delegation by the state convention.

The Republican National Convention met in Chicago and was one of the most notable in the history of American politics. The splendid oratory of Garfield, Conkling, and others, in their nominating speeches was in itself sufficient to signalize the assemblage. Its notable achievement was the abolition of the unit rule which resulted in the nomination of James A. Garfield. Minnesota's alleged candidate, Senator Windom, cut a sorry figure in the proceedings; he never received a vote outside of our delegation, and the phrase "Windom 10" became a matter of national ridicule. At Chicago, before the convention met, General McLaren of St. Paul, one of the enthusiastic Windom boomers, said to me: "I am astonished in talking to men from other states to find how few of them know anything about Senator Windom." I replied: "General, who are the two senators from Nebraska?" "I don't know," he said. "Neither do I," said I, "and that shows how local the reputation of a supposedly great man may be."

The Democrats nominated Gen. W. S. Hancock for President, and a campaign ensued which on national issues was quite tame in Minnesota, since there was no question as to how the vote of the state would stand.

In June, 1880, with the consent of my associates in the ownership of a majority of the Dispatch stock, I sold my interest to Ex-Governor W. R. Marshall and Gen. C. C. Andrews, who soon acquired the entire ownership. I thus retired for a short period from the active work of journalism. I engaged actively during the early autumn in the speaking campaign in the northern part of the state, for W. D. Washburn, the Republican nominee for Congress against Gen. H. H. Sibley, the Democratic candidate. Later, I went with Gen. J. B. Sanborn into the First district, the southern part of the state, where we made a thorough canvass for Mark H. Dunnell, the Republican can-

didate. There was a triangular fight in this district and a close contest; W. G. Ward was an independent Republican candidate, and H. G. Wells was on the Democratic ticket. Dunnell was successful and continued his useful career in the House of Representatives.

1881.

When the Legislature of 1881 assembled, one of its first duties was to elect a successor to Senator S. J. R. McMillan. Ex-Senator Ramsey, then serving as Secretary of War in the cabinet of President Hayes, appeared as a candidate against McMillan, having the support of the Pioneer Press and many of the old political associates. Ex-Governor C. K. Davis also entered the lists, but as no preliminary organization in his favor had been attempted, he did not make a conspicuous showing. Senator McMillan was re-elected, and Davis' ambition remained ungratified for another six-year period.

When President Garfield was inaugurated March 4th, he appointed Senator Windom Secretary of the Treasury. This created a vacancy in the senate which Governor Pillsbury filled by appointing Gen. A. J. Edgerton of Dodge county as senator.

In the summer of 1881 an active canvass began for the nomination for governor. I warmly espoused the cause of Gen. L. F. Hubbard, and was entrusted by him with the management of his campaign throughout the state. A systematic organization of his friends was effected in nearly every county, and there was from the beginning an almost uninterrupted series of favorable reports. Hon. A. R. McGill, insurance commissioner, announced his candidacy and accumulated a very creditable support in certain directions. To the astonishment of everybody the Pioneer Press, at a late period, announced the candidacy of Governor Pillsbury for a fourth term. A somewhat exciting canvass followed in several counties. The Pillsbury and McGill forces combined in Ramsey county, carried the county convention by a small margin, and secured the county delegation to the state convention. When the state convention met, Clark Thompson of Houston county also appeared as a candidate, but General Hubbard was nominated over all

by a handsome majority. A new State Central Committee was selected, whereof C. K. Davis was made chairman and myself secretary and treasurer.

One of the incidental results of this convention, which I always lamented, was the defeat of my friend Greenleaf Clark of St. Paul for justice of the Supreme Court, a position to which he had been appointed a few months before by the governor to fill a vacancy, a position which he was qualified to dignify and adorn, and to which his numerous friends desired to see him formally elected. But the committal of the Ramsey county delegation to the Pillsbury interest in the state convention, which interest was in a minority, neutralized their influence, and, as matter of practical politics, naturally involved the defeat of Judge Clark. It was a lifelong disappointment to him and he always seemed to blame the Hubbard element in the party, whereas in reality he only had his St. Paul friends, who identified his interests with those of Pillsbury, to thank for his discomfiture.

At this convention, Gen. James H. Baker was nominated for railroad commissioner, under circumstances which vividly illustrate the fortuities of politics. General Baker had served as secretary of state, as colonel of the Tenth Minnesota regiment in the Civil War, and as United States commissioner of pensions; he was a popular and effective campaign orator, with a wide state acquaintance. He had come up to the convention from his farm in Blue Earth county to support Col. Clark W. Thompson for governor, and with no thought of office for himself. The night before the convention I was talking with General Baker at the hotel and incidentally remarked that Ex-Governor Marshall apparently had no opposition for renomination as railroad commissioner, an office which he had then held for eight years. The general remarked that he supposed this position came by appointment from the governor, as had formerly been the case. I replied that it was now elective, and would come before the convention.

Next day, General Baker in a remarkably eloquent speech presented the name of Colonel Thompson for governor. After Hubbard's nomination, Gen. Baker announced himself a can-



didate for railroad commissioner. He had many personal friends among the delegates; his ringing speech had favorably impressed many others; Governor Marshall, anticipating no opposition, had made little or no effort in his own behalf, and General Baker was nominated. He was, of course, elected, and held this important position five years.

In the midst of the Hubbard campaign I purchased the St. Paul Dispatch from Ex-Governor Marshall, and on September 17, 1881, resumed control of the paper as its editor and sole proprietor.

In the fall of 1881, the Minnesota Supreme Court rendered a decision which opened the way for a settlement of the old, repudiated State Railroad bonds, and Governor Pillsbury at once called an extra session of the Legislature to act upon the question. Although I had come to the state long after this largely fraudulent indebtedness had been contracted, I had always favored any fair adjustment that would relieve our commonwealth of the stain attached to its repudiation. But when this extra session convened, I saw so much of the disgraceful methods employed to secure votes for the settlement proposed, heard so much of the shameless bargaining and sale going on, that I aligned the Dispatch with those who opposed the plan; demanded that the people be heard, and that there be, at least, enough delay to thwart the plans of those who expected and finally did reap rich harvests from the fields of corruption opened before them. But Governor Pillsbury wanted to signalize the close of his administration by wiping out the stigma, and helped to "jam" the measure through. Selah Chamberlain, the principal bondholder and popularly believed to be a party to the original fraud, secured his unearned millions. The outside credit of the state was restored and the incident was closed.

This extra session was, by law, required to elect a United States senator to fill Mr. Windom's unexpired term, vice Gen. A. J. Edgerton, holding the place ad interim by appointment. Windom had retired from the cabinet after Garfield's death; he now wanted to go back to the senate, and General Edgerton declined to contest the position with him. Some little op-



position was mustered, under the lead of C. A. Gilman, lieutenant governor, but Windom was elected. It was generally conceded that Senator Edgerton would have been successful had he consented to make the race.

1882.

The important political events of 1882 were the nomination and election of our increased Republican Congressional delegation, and preparations for the senatorial election to be held in January of the succeeding year.

Under the new apportionment Minnesota was entitled to five representatives in Congress instead of three, which number had been our allotment for ten years. The exciting contests were in the first and fifth districts. In the first district Mr. Dunnell, the incumbent, was defeated for the nomination by Milo White. Dunnell attributed his overthrow to Windom, a conviction which produced important consequences a little later.

In the fifth district one of the liveliest contests in the political history of Minnesota ensued. C. F. Kindred of Brainerd, a wealthy and ambitious young aspirant, entered the field with the avowed purpose of spending money freely to secure the nomination. There were several other candidates, the most formidable being Knute Nelson of Alexandria. The district convention assembled at Detroit on the Northern Pacific railroad. As a representative of both the Dispatch and the State Central Committee, I attended this convention and witnessed its turbulent proceedings. There were many contesting delegations, and the indications of a split were numerous from the beginning, the only question being as to which side should gain the most points in favor of regularity. It was Kindred against the field, all the other candidates having combined in opposition to him. The history of that riotous convention has often been written; its scenes of disgraceful confusion cannot be exaggerated; it was for a considerable period nothing but a howling mob, and bloodshed was narrowly escaped. The Kindred forces held the convention hall, while their opponents withdrew in a body, proceeded to a tent which had been pitched in a vacant lot as a precautionary measure, and performed

their duties in a standing position but with much harmony and enthusiasm.

The convention in the hall unanimously nominated Kindred as the alleged Republican for Congress from the fifth district, and the convention in the tent unanimously performed the same distinguished service for Knute Nelson. Impartial observation on the ground thoroughly convinced me that Mr. Nelson had a decisive majority of the bona fide delegates elected to the convention, and I promptly decided to support him in the Dispatch. Governor Davis and many other friends favored Kindred. There were abundant financial inducements to newspapers which would advocate Kindred, and a campaign of great bitterness as well as of liberal financial disbursements on the Kindred side ensued. The Democrats nominated a candidate and hoped to elect him, owing to the Republican division. But Mr. Nelson was elected by a considerable plurality and thus began a career which has been followed by his election three times to Congress, twice to the governorship, and three times as United States senator.

The issue of general interest throughout the state centered in the coming senatorial election. Mr. Windom only remained in the cabinet a few months, and when the Legislature met in extra session during the autumn of 1881 he was, as we have seen, chosen to fill his own unexpired term, General Edgerton having temporarily succeeded him. But a very serious opposition to Windom's re-election for a third term had now developed throughout the state. The Dispatch took strong ground in opposition, and the Republican press of the state was arrayed with almost entire unanimity against him. In addition to conducting the Dispatch actively along the anti-Windom line, it was my duty to superintend an organization in all the legislative districts to secure the nomination of state senators and representatives committed to our policy. We had no avowed candidate, but simply demanded the defeat of Windom and an open door for all competent Republicans. Mark H. Dunnell, the most tireless political worker I ever met, threw himself energetically into the anti-Windom contest, giving it his undivided attention for several months. As a result of the

efforts thus put forth we were fully convinced, when we scanned the names of Republicans elected to the Legislature in November, that Mr. Windom would not return to his long occupied seat in Washington.

One of the incidents of this lively contest was my arrest for criminal libel, the only instance of a suit civil or criminal being brought against me during my strenuous journalistic career. An active and zealous Federal official, an inspector of the post office department by grace of Mr. Windom, was alleged to be very busy looking after the senator's interests, to the neglect of his official duties. I took occasion to criticise his conduct in the paper, applying to the derelict official some semi-humorous epithets, without a particle of malicious feeling, for I had no personal acquaintance with the gentleman. Feeling aggrieved, or incited thereto by some of Mr. Windom's Winona friends, the inspector went to that city and swore out a warrant for my arrest, charging me with publishing language regarding him which was calculated to humiliate and degrade him in the eyes of the public. The Winona county sheriff served his warrant on me in St. Paul; I went before Judge W. T. Burr of our municipal court, as permitted by statute, and gave bonds to the amount of \$500 for my appearance in court at Winona, in case an indictment should be found. When the court met, the election had passed, the excitement had subsided, and the grand jury saw fit to ignore the case; hence I had no further trouble therewith. It is interesting to note that the post office inspector alluded to is still in the public service after a long and highly creditable career, having been entrusted by his official superiors with many important functions far beyond the grade to which he has attained.

1883.

The winter of 1883 was signalized by the prolonged and acidulated contest in the Legislature over the election of a successor to Senator Windom. Those who received the larger number of votes in opposition were ex-Congressman M. H. Dunnell, Ex-Governor Davis and Governor Hubbard, though scattering votes were cast for many others.

The popular sentiment among Republicans against Windom was based on the fact that he had measurably withdrawn

himself from interest in and sympathy with state politics, during his long absence in Washington, as well as the fact that he was believed to be largely in the hands of the same coterie of officeholders, contractors, etc., which had assumed to control the party since its organization. This feeling of hostility seemed to justify his opponents in resorting to radical measures for his defeat. It was consequently decided that they would not participate in a Republican senatorial caucus, which would probably be under machine influences.

Efforts were therefore directed toward securing the concert of all anti-Windom members of the Legislature to abstain from the caucus. Numerous consultations were held by the anti-Windom leaders, Mr. Dunnell, Generals Sanborn and Averill, C. A. Gilman, C. K. Davis, and others, with legislators, and finally a conference was called one evening at the law office of General Sanborn to which all the anti-Windom members of the Legislature were invited. The attendance was encouragingly large, and the reports from reliable absentees indicated that the movement to defeat a binding senatorial caucus would be successful.

After attending that conference I went to the Merchants' Hotel, where I met Hon. D. M. Sabin of Stillwater, a member of the Legislature prominent in the Windom councils, who had just come from a meeting of Mr. Windom's friends. I called Mr. Sabin aside, told him that Windom was doomed to defeat, and said that I hoped influential Republicans of both factions would fix their minds on a generally acceptable candidate who could be elected and be a credit to the state. Without admitting my deductions, Mr. Sabin inquired whom I had in view. I told him that in my opinion Governor Hubbard, although he was not in the field and evidently did not desire the office, could get more votes in the Legislature than any other man now mentioned. Besides his official prestige and his acknowledged merits, he would have the support of many friends of Lieutenant Governor Gilman, who would succeed to the governorship. I also spoke of several other available names as alternatives. To each of these suggestions Mr. Sabin made some mild objection, but did not indicate any preference of his



own. This interview is significant from the fact that Mr. Sabin himself was ultimately elected senator as the outcome of the movement. It was afterward charged by Windom's friends that Sabin had been in the anti-Windom "conspiracy" from the beginning, and was therefore treacherous to his chief. I believe that I was cognizant of every important move throughout the state for the defeat of Windom, and I did not know of a single place where Mr. Sabin's influence was thrown in our favor. We always classed him as a Windom man and I thoroughly believe today that down to the moment when I told him the outcome of our conference, he was faithful to Windom and expected to see him elected.

The senatorial caucus, as we had planned and predicted, was a failure. Of 110 Republicans in the Legislature, only 62 went into the caucus. This was not a majority of the Legislature and the caucus could not make a nomination that would be binding on those Republicans who did not participate. The contest was thus thrown into the open Legislature where after balloting many days, for numerous candidates, the anti-Windom Republicans mostly concentrated their votes on Mr. Sabin, who then by preconcerted arrangement received enough Democratic votes to secure his election.

Mr. Windom, who had come from Washington late in the day to look after his interests, which had been personally neglected through his supreme self-confidence, left St. Paul the moment Sabin was elected, without even thanking the two score or more devoted friends who stood by him to the last. Mr. Windom thus practically disappeared from Minnesota politics, only appearing here afterward to feed his revenge in trying to defeat the aspirations of some of those who had contributed to his downfall.

At the Republican state convention of 1883, Governor L. F. Hubbard was re-nominated without opposition. Meantime a constitutional amendment providing for biennial elections and sessions of the Legislature had been adopted, by means of which his second term was extended to three years. Governor Hubbard thus served five years in the executive chair, with a success which demonstrated in civil life the same high quali-



ties that had won for him honor and promotion as an officer in the civil war. It is a noteworthy circumstance that at the outbreak of the Spanish American war in 1898, thirty-three years after the close of his previous military service, he again tendered his sword to the Government, was appointed a brigadier general by President McKinley, and commanded a division of troops of the new generation of patriotic Americans.

Early in 1883 I was appointed inspector of illuminating oils by Governor Hubbard. The emoluments of the office were not so large at that period as they afterward became, but the duties were important and I held the position during the remainder of the official term.

At about this period there began to appear in state conventions and in the Legislature a new generation of militant Republicans who affiliated, as a rule, with the progressive wing of the party, and soon gave evidence of the qualities which, in the next decade, were to lift them high in the councils of the state and the nation. As examples it will suffice to mention Moses E. Clapp, J. A. Tawney, John Lind, R. G. Evans, Frank A. Day, H. Steenerson, F. C. Stevens, G. S. Ives, Tams Bixby, Frank M. Eddy, F. B. Kellogg, and Joel P. Heatwole.

1884.

In May, 1884, there arose in the state, and especially in Ramsey county, a peculiar contest over the delegation to the Republican National Convention. Minnesota was, as always, for James G. Blaine, and C. K. Davis was universally recognized as an exponent of Mr. Blaine's candidacy in this state. Meantime Senator D. M. Sabin had been made chairman of the Republican National Committee, a position of honor and influence and a credit to our state. Mr. Sabin expressed a desire to be elected one of the delegates at large to the National convention, and I believed with others that it was due him as a proof of the confidence and endorsement of his constituents. But Governor Davis joined with Mr. Wheelock, Mr. Driscoll, W. R. Merriam, and some other St. Paul Republicans, in a movement to carry Ramsey county against Sabin. I, here, for a second time, parted company temporarily with Governor Davis. I joined with General Sanborn, General McLaren, W.

B. Dean, Mark D. Flower and others, in carrying the county for Sabin, as against Davis, Merriam, and their following. We elected a delegation to the state convention which was instructed to support Sabin for delegate at large, but I personally reserved the right to vote also for Davis as another delegate, believing that there was room in this state and on the delegation for both these distinguished men. After the county convention I had a stormy interview with Governor Davis, who felt crushed and humiliated by the outcome. I consoled him by quoting Lincoln's telegram to Richard Yates: "Possess thou thy soul in patience; stand by, and see the salvation of the Lord."

When the delegates to the Republican state convention assembled in St. Paul, it was manifest that the sentiment in favor of Blaine was duly represented, and that the long time favorite of the outside counties, C. K. Davis, was their choice for one of the delegates. In the forenoon before the convention met, a Blaine caucus was called at the Merchants' Hotel, in which I, alone of the Ramsey county delegation, participated. It was here decided to present Z. B. Clarke of Swift county as our candidate for chairman of the state convention, and C. K. Davis as one of the delegates at large to Chicago. When a motion was made to support D. M. Sabin as another delegate, Hon. Frank A. Day of Martin county, later private secretary to Governor Johnson but then an ardent Blaine Republican, moved to send a committee to Senator Sabin and secure his pledge to vote for Blaine. The motion was about to be carried, when I vigorously protested against submitting our senator to this inquiry. I expressed my belief that he would vote for Blaine as the unquestioned choice of his state, and argued that whether he did or not we could afford to show our confidence in him and our appreciation of the honor which had been conferred on Minnesota by his exaltation to the leadership of the party in the nation. My appeal was successful, and Mr. Sabin was endorsed without the exaction of a pledge. The event proved that I was wrong in my supposition, Mr. Sabin having previously pledged himself to vote for President Arthur and feeling obliged to carry out that pledge,—but it

fortunately made no difference in the result; Blaine was nominated at Chicago, but was defeated by Grover Cleveland.

When the state convention assembled, Z. B. Clarke was proposed for chairman by the Blaine side and Gen. John B. Sanborn by the opposition. My vote was the only one cast for Clarke from the three leading counties of the state, Ramsey, Hennepin, and Winona. Mr. Clarke was elected chairman by a small majority, and I was immediately made secretary of the convention without opposition. Mr. Clarke, on assuming the chair, made a very brief address which for several years was quoted with amused approval throughout the state. He said: "This honor is unexpected, but I promise you to discharge my duties as your presiding officer honestly and impartially—in the interest of James G. Blaine." He did.

The further proceedings of the convention were without special incident. My plan of sending both Davis and Sabin to the National convention was now satisfactory to all parties, and two other delegates at large were selected. Davis and Sabin sat fraternally in the great Chicago convention; Sabin presided over its preliminary organization, and Davis made a memorably brilliant address, proposing the nomination of Mr. Blaine.

At the conclusion of our state convention I was named as the member of the state central committee from the state at large, afterward being elected chairman thereof. From my affiliation with the majority I was able to secure the selection of Mark D. Flower as district member of the state committee and W. B. Dean as presidential elector, although both of them, as delegates from Ramsey county, had voted against the organization. General Flower, being the incumbent of a Federal office, soon resigned from the committee; Major John Espy of St. Paul was chosen in his place and elected secretary. Major Espy and myself conducted the vigorous campaign for Blaine which ensued, and which, as before stated, resulted in a majority of 43,000 for our candidate with the expenditure of only \$850.

The next important political event of the year 1884 with which I was connected was the contest for Republican nomi-

nation of Congressman in this district. Hon. Loren Fletcher of Minneapolis, long an aspirant, was now in the field with the backing of his own county and several others. Albert Scheffer of St. Paul was also a candidate; Ramsey county supported him, and I was one of the delegates to the district convention. There was a contested delegation from Washington county, and the forces were so nearly equal that this delegation would decide the result. On the question of the admission of delegates from Washington county the convention was so evenly divided that one delegate, H. F. Barker of Isanti county, had the casting vote. Mr. Barker was opposed to both Fletcher and Scheffer, but expressed a willingness to join the Scheffer delegates in nominating Hon. J. B. Gilfillan of Minneapolis. As the only other alternative seemed to be a split in the convention, two candidates, and a Republican defeat in the district, Mr. Scheffer and his friends consented to the arrangement. Mr. Barker came into our camp; Washington county was neutralized, and Mr. Gilfillan was nominated. Mr. Fletcher was greatly disappointed, but eight years later, when Hennepin county became a district of itself, he was elected to the coveted position and served an aggregate of twelve years in Washington, greatly to the benefit of his admiring constituents.

1885.

Under the operation of the Constitutional amendment providing for biennial sessions, the year 1885 was the first year in the history of the state when no election was held. There was consequently a rest from political conflict, the forerunner of similar grateful periods of political repose which have since been enjoyed on alternate years.

In the spring of 1885, finding my health seriously threatened by the laborious duties of editor, proprietor, and business manager of the Daily Dispatch, and having a satisfactory offer from Mr. George K. Shaw of Minneapolis, I sold the property to him and retired from daily newspaper work. One year later Mr. Shaw sold the paper to his associate, Mr. George Thompson, who has retained the ownership until this time and has built up the magnificent institution to which Minnesotans point with pride, the St. Paul Dispatch of today.



After passing through a period of serious illness resulting from overwork, I occupied such leisure time as I could spare from the development of suburban property to the formation of an organization throughout the state for the election of C. K. Davis to the United States senate by the legislature of 1887. The sentiment was overwhelmingly in his favor, the old guard of Republican editors was everywhere alert and active; the accession of Cleveland to the presidency had broken down the oligarchy of officeholders which had been the nucleus of the strength of both Windom and McMillan; in a word, the coast was clear and it only needed concert of action to insure success.

1886.

The year 1886 was what is denominated an "off year" in politics. The Republican party suffered accordingly. Three of the five Congressional districts in the state elected Democratic representatives, Thomas Wilson, John L. Macdonald, and Edmund Rice,—the two Republicans elected being John Lind and Knute Nelson.

At the Republican state convention, Hon. A. R. McGill was nominated for governor, the opposing candidates being C. A. Gilman and Albert Scheffer. My name was presented to the convention for lieutenant governor, and I received over 100 votes, notwithstanding the fact that the previous nomination of Mr. McGill, also a resident of St. Paul, precluded any possibility of my success.

Mr. Windom appeared in this convention as a delegate from Winona county for the avowed purpose of helping his friends and punishing his enemies. Notwithstanding the fact of his presence, his special protégé, Samuel H. Nichols, was defeated for clerk of the Supreme Court, an office which he had held for eleven years. Mr. Windom was subsequently appointed Secretary of the Treasury by President Harrison, and died in office. He was credited to Minnesota notwithstanding the fact that he had some years before become a permanent resident of New York city. His interference in Minnesota appointments while a member of Harrison's cabinet was the source of much friction between himself and Senator Davis, who naturally resented it.



The systematic canvass for members of the Legislature friendly to the election of C. K. Davis as United States senator was continued this year, and after the election in November it was easy to predict from the complexion of the returns that victory was assured.

1887. —

The legislature of 1887 passed a bill creating the Board of Trustees of the State Soldiers' Home, and Governor McGill appointed me a member thereof. I was elected president of the Board when it organized, and served in that position, without salary or perquisite, for twelve years. The labors of the Board, including the responsibility of building and administering the Home, as well as the disbursement of the outside relief fund, were very exacting, and an undue share of them naturally devolved on the president. But there were pleasant incidents and associations connected with the service that to some extent recompensed the effort.

When the legislature assembled in January, 1887, Senator McMillan came home from Washington, announced his candidacy for a third term, and energetically sought support. It was soon revealed, however, even to him, that C. K. Davis was the predestined Republican nominee. Senator McMillan gracefully withdrew; Davis was nominated at an open Republican caucus with substantial unanimity, and was elected by the Legislature with the enthusiastic support of a united party.

This result was the fruition of twelve years' effort on the part of the annually augmenting fraternity of Minnesota Republicans with whom I had been closely identified. We had now placed our favorite in the arena where we believed his splendid natural gifts and his wide range of acquirements would lead to a career of conspicuous usefulness to his state and his country.

This ended, in an aureole of success, the first twenty years of my experiences of and participation in the political affairs of this state. My activities were thenceforward less pronounced, although I did not cease my interest, nor abstain from work. The later field was more circumscribed. I had served my turn on state committees, and I no longer controlled

a daily newspaper. The chronicles of the second twenty years will therefore permit a briefer and less detailed treatment.

1888-1907.

At the Republican state convention of 1888, Governor A. R. McGill was a candidate for renomination. He was entitled to this endorsement, both by uniform party precedent and by the excellence of his administration. But W. R. Merriam, an ambitious young banker of St. Paul, could not restrain his impatience for the coveted prize, and appeared as a candidate. This led Albert Scheffer, also of St. Paul, to enter the field, and a contest of great animation ensued. I favored Governor McGill, and worked earnestly for his success. Scheffer and Merriam fought desperately for Ramsey county, and Scheffer won. With his consent three avowed McGill men, including myself, were placed on the Ramsey county delegation to the state convention. I was made one of the McGill managers, and was selected to deliver the nominating speech. Mutual friends had arranged that Scheffer should withdraw in favor of McGill, if the latter developed the greater strength; but Scheffer, hoping to gain, failed to withdraw in time to effect a winning combination, and Merriam was nominated. The result caused some political and personal bitterness that was never sweetened. One humorous episode relieved some of the somber features. After the final vote, a friend asked Scheffer how many delegates he had to buy. "Ah," said he, "from the rapidity with which my vote shrank, I fear I'll be accused of selling delegates."

In the legislature of 1889, Senator D. M. Sabin was a candidate for re-election, with Hon. W. D. Washburn as his opponent. Although on the friendliest terms personally and politically with Sabin, I had incurred no obligation to him, and my deliberate preference was now for Washburn. I therefore did all in my power to aid him. Washburn was elected, and during the single term to which his service in the Senate was limited, he made, as was to be expected from his high character and long public experience, an unblemished record.

The year 1890 was another decidedly "off year" for Minnesota Republicans, due to the reaction against the McKinley

tariff bill, just enacted and not yet tested. W. R. Merriam was re-elected governor by a plurality of 2,200 over Judge Thomas Wilson, the Democratic nominee. But as the "Alliance" candidate, S. M. Owen received 58,500 votes, and the Prohibition candidate over 8,000, Mr. Merriam lacked nearly 65,000 votes of a majority. Worse than that, four of the five Republican candidates for Congress were defeated, the only successful nominee being John Lind in the second district, who turned Democrat shortly afterward. A notable event of this year was the election of Kittel Halvorson, Farmers Alliance candidate for Congress, in the fifth district. A. J. Whiteman, of Duluth, was the Democratic nominee, and S. G. Comstock, the then incumbent, the Republican. Mr. Whiteman induced Halvorson, a farmer in Stearns county, to run on the Alliance ticket, with the expectation of reducing the Republican vote, Whiteman paying all Halvorson's campaign expenses. To the astonishment of everybody, especially Whiteman, Halvorson was elected. He served one term in Congress; lived, it is said, on his "mileage;" saved the \$10,000 salary to improve and enlarge his farm, and retired on his laurels. Whiteman developed into a criminal of the deepest dye, and is now an inmate of the New York penitentiary.

In February, 1892, I was appointed postmaster of St. Paul by President Harrison, on the recommendation of Senator Davis, and held office until November 1, 1896, or eight months beyond the allotted four years' term, although after the first year I served under the second Democratic administration of Grover Cleveland. After Cleveland came in, some hostile Democrats sought to secure my removal on the ground of "offensive partisanship," but failed. They were told that removals would only be made on a defective official record, and as I was permitted to remain in office eight months after my time expired, it is fair to assume that the record was satisfactory. I administered the civil service law as to the 200 employees of the post office in good faith, and made no attempt to use them for partisan politics. But I did not surrender my political convictions, nor cease working for my party in all proper ways. I made speeches in every campaign, as usual, and participated in

Republican conferences and conventions, unmolested. Whatever may be said adverse to President Cleveland, he was certainly sincere and consistent in his civil service policy.

In 1893 Senator Davis was a candidate before the legislature for re-election. The state convention of 1892 had unanimously endorsed him as the party candidate and in most of the counties Republican senators and representatives had been instructed to support him. The legislature of 1891 had been controlled by a combination of Democrats and Populists; hence the efforts of Senator Davis' friends were principally directed to securing a Republican majority, trusting to these endorsements and instructions, undoubtedly backed by public sentiment, to ensure his election. The majority, on joint ballot, was about twelve, but when the legislature assembled it developed that a secret campaign of debauchery and corruption had been inaugurated to defeat Davis, with the hope of electing an unavowed, but well recognized Republican aspirant in his stead. No more brazen, defiant, and demoralizing movement was ever inaugurated in any state. Votes were shamelessly trafficked in, and so recklessly that the price paid in many instances was well known, in advance, to the Senator's supporters, who had a detective force systematically at work and kept advised of every movement. Enough Republican votes were bought and actually paid for to prevent a majority for Davis on the first joint ballot, but several of the bribed members weakened at the last moment and Davis received precisely enough votes to elect him, not one to spare. I was cognizant of all the details of the contest; held at one time, for possible use as evidence in criminal prosecutions, a considerable sum of the corruption fund paid to one of the members; and I yet retain interesting correspondence and memoranda, which, for the credit of the state, it were better to consign to oblivion. The miserable conspiracy failed; Senator Davis was re-elected, and most of the persons who betrayed him were effectually reckoned with by their indignant constituents.

Early in 1896 a very strong sentiment was manifested in certain portions of the country in favor of the selection of Senator C. K. Davis as the Republican candidate for President.



His eloquent speeches in the Senate on several important questions had made him a national reputation, and his ringing telegram to the Duluth labor leaders in 1894 had evinced the possession of qualities too rare in public men. Not only did hundreds of newspapers in many states express favorable opinions of his candidacy, but volunteer offers of support were received from influential Republicans in various sections. In addition, a considerable number of his colleagues in the Senate and House, who were powerful political factors in their respective states, were ready to assist if there was any hope of success. A number of Senator Davis' friends, including myself, formed a correspondence bureau in St. Paul which brought encouraging news from all quarters. But, a little later, the popular sentiment for McKinley became so strong that it was evident no other aspirant could make headway against it. Senator Davis promptly acquiesced in the proposition to give our state delegation to McKinley, who had no more effective champion in the campaign, or more loyal, trusted counsellor during the trying crises of his administration.

At the Republican state convention of 1896, Gov. David M. Clough, who had succeeded to the seat of Gov. Knute Nelson when the latter was chosen United States senator to succeed Washburn a year previously, was a candidate for the nomination for governor. Hon. Moses E. Clapp of St. Paul was proposed in opposition to Mr. Clough and commanded my earnest support, as a matter of personal and political preference. But he came late into the field, and although we made a vigorous and measurably successful fight in Ramsey county Governor Clough was victorious.

In the campaign of 1896, although still postmaster of St. Paul under a Democratic administration, I spoke many times in various counties for the Republican ticket,—as, indeed, I have in every national and most of the intermediate contests, since 1864.

In May, 1897, on the special recommendation of Senator Davis, approved by Senator Nelson and the entire Minnesota delegation in Congress, I was appointed Auditor for the Post Office Department in Washington. The bureau over which the



Auditor presides is attached to the Treasury Department, although it is located in the Post Office Department building, and it is exclusively engaged in adjusting and recording the accounts of that great governmental institution, which employs more men and handles more money than all other branches of the government combined. The Auditor's office has over 700 employees; it settles and records, every working day in the year, 3,000 accounts of postmasters, contractors and others, involving about \$8,000,000 daily, or two and a half billions of dollars a year. The business is rapidly increasing, and the strain on the faithful clerks and the experienced chiefs of division, as well as on the head of the office, is tremendous. I held the position until January, 1904, six years and eight months,—a longer period than any other incumbent since its creation in 1836.

During my stay in Washington, I kept advised, through the newspapers, through correspondence, and through frequent visits to the state, of the general currents of Minnesota politics, although I necessarily lost touch, to a considerable degree, with the constantly changing personnel of the party.

In 1899, Senator Davis was re-elected without opposition, thus securing the then unprecedented honor (since worthily conferred on Senator Nelson) of a third term in the Senate from this state. During the early months of 1898 there had been some mutterings of coming hostility to him, which led his friends to take some precautionary steps in his behalf. But the events of the Spanish-American war, which brought our Senator into such conspicuous eminence, which brought into exercise on the highest plane of statesmanship his commanding abilities and the special attainments he had, for years, been cultivating, which made him the leader of the Senate as well as the adviser of the President in international questions, and, in great emergencies, the actual arbiter of national destiny,—all this so augmented the pride of his constituents as to dwarf to insignificance and banish from sight every trace of the meditated antagonism.

In 1900 President McKinley was renominated, with Theodore Roosevelt as his running mate; and Bryan, as in 1896, was

his Democratic opponent. In September I attended the great Hamilton Club banquet in Chicago, where Senator Davis ably "struck the key-note" of the national campaign, making, as it eventuated, his last important address, and pathetically evincing, could we have realized it, the fatal exhaustion of his physical powers. I came to Minnesota in October and devoted some weeks to campaigning. Senator Davis was then seriously ill at his home in St. Paul, and on election day, November 6th, before returning to Washington, I bade him what proved to be a final farewell. November 29th I came back to St. Paul and attended his funeral; among the thousands of sorrowing citizens of Minnesota who paid their tributes of honor as he lay in state at the Capitol, I am sure there was no more sincere mourner than myself.

This paper has sufficiently verified its statement that the central figure of a large portion of the political activity in which I have indulged during my forty years residence in Minnesota was Cushman K. Davis. I think no man who supported him at any time during his career ever felt obliged to apologize for that support. If there has been a series of clean political combats in the history of any state, it was the Davis side of the numerous battles fought by his friends in his interest. When it was all over and I was privileged to speak some words of appreciation at the unveiling of his monument at Arlington, Va., I could truthfully place on record for his honor and that of our magnificent commonwealth this eulogium:

Honored for thirty years with his unreserved confidence, advised as to the minutest details of his political contests, I here affirm with all the solemnity these surroundings and this event can lend, that no unworthy suggestion, no dishonorable proposition, no device for improper influence, no hint at undue advantage, ever came from him, even in the most crucial stress of dangerous and doubtful struggles. In none of his campaigns was an office promised or an unclean dollar expended by him or for him, although in many of them he was confronted by venal methods employed by unscrupulous rivals. Let others dwell on the gifts and graces they discern,—this is my acme of encomium for the politician and the man.

In May, 1903, having served six years as Auditor at Washington, having found my health seriously impaired by the summer climate, and having more lucrative business opportunities

offered, I tendered my resignation through the Secretary of the Treasury to the President. An investigation of the Post Office Department being then just inaugurated, I was asked to remain in office and assist therein. The inquiry yielded important results and lasted until October, when on its conclusion I again resigned. My resignation was accepted to take effect on the appointment of my successor, which was not made for more than three months. Finally on January 22, 1904, I turned over the bureau to the new appointee, my old friend, Hon. Joseph J. McCardy, of St. Paul. The long tenure, nearly seven years, of this the most important position I have held, marks the culmination of my experiences in political life. The Auditorship is a quasi-judicial position. There are six Auditors, whereof the Auditor for the Post Office Department supervises more employees and handles more business than the five others united. The direct official head of the accounting system, the appellate officer for all the Auditors, is the Comptroller of the Treasury. During all my service in Washington, Hon. R. J. Tracewell was Comptroller, and he still retains that position. When I retired from office, Mr. Tracewell wrote this testimonial, which I am possibly justified in quoting as a political valedictory:

"It was with the most profound regret that I learned several months since that you had tendered your resignation to take effect upon the appointment and qualification of a successor.

"If the President had known, as I know, the difficulties with which you have been surrounded during your term of office, and the fidelity and integrity with which you have performed the many arduous duties thereof, I feel confident that it would only have been for a consideration of your health that he would have consented to your resignation. Good Auditors for the Post Office Department are not made, but must be born. Even though one could be made, the process would be long, and in the making public interests would necessarily suffer more or less.

"I shall always recall with pleasure your intelligent zeal for the institution and carrying out of real reforms in your office, and the cheerful assistance you have always given me in any matter connected therewith. There is no officer in the Government service who is possessed of more information as to your true worth to the Government, nor one who will realize the loss of its being deprived of your services more keenly than myself."

In 1904 two of my friends and co-workers in the lively political battles of twenty years before, Judge L. W. Collins

and Hon. R. C. Dunn, were rival aspirants for the Republican nomination for governor of Minnesota. I preferred Judge Collins, and supported him at the primaries. But Mr. Dunn received the nomination, and knowing, from of old, his sterling integrity and many manly qualities, I earnestly advocated his election on the platform and with the pen. It was a cause of keen regret to me that Mr. Dunn was defeated, even by so worthy a Democrat as Governor Johnson, not only on account of his personal disappointment but of the far-reaching disastrous consequences to the Republican party of this state.

All my activities of forty years in Minnesota politics have been with and for the Republican party. During the greater portion of this period, politics has been incidental, virtually a recreation, not interfering with my business occupations. I have not always agreed in every detail with the avowed policies of the party, but upon the whole its principles have seemed to me best calculated to promote the honor and prosperity of the state and the nation. Usually its candidates have been acceptable. The nominees have not in every instance been my first choice, but in most instances have commanded my adhesion.

I actively supported Marshall, Davis, Hubbard, McGill, Nelson, and Van Sant, for governor, also Averill, Stewart, Washburn, Dunnell, Strait, Nelson, Wakefield, Stevens, and others, for Congress, every time they were candidates for these offices, and never had occasion to regret that support. I supported Ramsey for one term in the Senate, Windom for two terms in the Senate, Sabin for one term in the Senate, and Pillsbury for two terms as governor, afterward opposing each of them for re-election, not as a rule from any special hostility to them personally or politically, but because of a marked preference for candidates who then stood in opposition. A few men who have been candidates for governor or Congress on the Republican ticket during the past forty years, I found myself unable to support, either for the nomination or for election; they were usually elected, however, but nothing in their official careers ever caused me to regret my opposition.

On the whole, my political experiences have led me to form a higher estimate of the personal integrity of party lead-

ers than the general public seems to entertain. I believe that the average legislator is as honest as the average business man; that the business of the state and national governments is, in the main, well conducted, and that the men whom the people of this state have delighted to honor have been, with few exceptions, entirely worthy of their confidence. I have personally known every territorial and state governor of Minnesota except two, every senator and representative in Congress, and nearly all the unsuccessful candidates for all these positions. I am satisfied that, with few exceptions, the political victories achieved have been honestly won, and that, in most cases, the alleged corrupt use of money in Minnesota politics has been greatly exaggerated.

In the aggregate, the public men of the formative decades of the State have been able, far-sighted, and faithful to their trust. The magnificent result of their labors testifies to their wisdom and assiduity. If the generations which succeed them show equal capacity and devotion, we may be assured that the golden promise of the day in which we live will be amply fulfilled by the prosperity and happiness of the coming years.



# HISTORY OF THE PARKS AND PUBLIC GROUNDS OF MINNEAPOLIS.\*

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BY CHARLES M. LORING.

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Members of the Minnesota Historical Society :

At the request of your Secretary, I present to you a history of the parks of Minneapolis, which I hope may have some influence in promoting the development of parks and playgrounds in other cities of the state. Even the small village should have its public park, centrally located, and land should be secured before it is occupied and covered with buildings. The villages as well as the cities are growing, and the necessity for a public meeting-place for recreation is more and more apparent as the years go by.

The village of Bluff City, Kansas, where there are but sixty-five voters, has become noted for its beautiful park of twelve acres and for its neat and well kept houses and lawns. Several publications have given views of the park and noted its influence upon the citizens of the village, who organized a band which discourses music in the park, and in it, each year, there is held a social gathering. Why not make every village in our beautiful State of Minnesota as attractive as is this one in Kansas?

It has been demonstrated in Minneapolis and St. Paul that no investment of public funds has brought greater returns financially than those invested in the parks and playgrounds, and none has brought more pleasure and added more to the health of the citizens.

The history of the Minneapolis parks demonstrates the necessity of securing park sites before the land is occupied. Captain Edward Murphy in 1857 donated the first park to the City of Minneapolis, but this remained a vacant tract, used only as a cow pasture or public common until 1880, when the

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\*Read at the monthly meeting of the Executive Council, November 11, 1912.

City Council passed an ordinance creating the office of City Forester, who, under the supervision of the writer, laid out walks and planted this park with trees. Since that time it has been of inestimable value to a now densely populated section of the city.

Friends of the parks had a long struggle and met with many disappointments, before success crowned their efforts; and the delay in securing land cost the city large sums of money and the loss of many valuable sites, which were offered at figures that now seem very insignificant.

At the first public meeting, called in September, 1864, to advocate the purchase of a tract of land for a park, containing twenty acres, which was offered for \$6,000, the discussion of the question was very warm, and one prominent citizen declared that there would never be a house south of Tenth street, and that beyond Seventh street it was all park. But the park advocates were in a majority, and the Town Supervisors were instructed to make the purchase. However, the obstructors controlled them, politically, the matter went by default, and we lost a park where it is now needed. This property is now valued at over half a million dollars.

In March, 1866, the citizens of St. Anthony and Minneapolis held an election to decide the question of uniting the two cities, and to authorize the purchase of Nicollet Island, containing about forty acres, for a public park, which was offered by the owners for the sum of \$47,500. The project was defeated by eighty-five votes, and its defeat has been regretted by the citizens of Minneapolis to the present day, and is referred to as "our great mistake." The island was covered with a fine growth of forest trees, mostly hard maple, and is admirably located for a public park. This land is now valued at more than a million dollars. September 15, 1865, a committee, which had been appointed at a special town meeting to recommend a site for a park, reported that a tract of forty acres could be purchased for the sum of \$8,500, payable in three and five years, with interest at seven per cent, but this was not purchased.

Through the efforts of the advocates of public parks, the City Council passed a resolution favoring the establishment of parks; and on the 8th day of July, 1869, a proposition was made by the owner to sell a tract of land containing forty acres

for the sum of \$25,000, payable in the bonds of the city, running twenty-five years at eight per cent. This property is now covered with fine houses, among them that of the late Hon. William D. Washburn. A part, containing ten acres, has just been purchased by the city for a park, for the sum of \$250,000, making the value of the tract of forty acres for the proposed park to be now \$1,000,000.

In 1872 Col. William S. King offered 250 acres of land around Lake Harriet for \$50,000. He was told by a member of the City Council that he had better go back to Washington and not try to unload his farm on the city for so large a sum. The property is now worth more than \$2,000,000. Two lots in this tract were sold recently for \$15,000.

In April, 1882, a block of land in Harmon's Addition was purchased at a cost of \$13,475, the city paying one half and the citizens of the neighborhood contributing one half of this amount. This is the first park for which the public paid any portion of its cost. It is now surrounded with beautiful homes, and is the great attraction of the neighborhood.

In October, 1882, Mrs. Mary C. Morris, Katherine B. Steele, and Mrs. Caroline H. Addison, daughters of the late Franklin Steele, purchased a block of land at a cost of \$20,000, which they presented to the city on condition that it be improved as a park, to be called Franklin Steele Square.

On January 29, 1883, the Board of Trade passed a series of resolutions in favor of securing legislation authorizing the creation of a Board of Park Commissioners, with authority to purchase or condemn land for a system of public parks and boulevards. A committee was appointed to draft a bill, which was reported at a meeting on February 6; and the Committee on Public Parks was requested to confer at once with a committee of the City Council and the Chamber of Commerce, and to request the aid of these bodies in carrying out this important matter.

Opinions were expressed that speedy action should be taken, and that from \$100,000 to \$200,000 should be appropriated for park purposes; but the City Council passed strong resolutions condemning the park scheme. A bill was prepared by the Board of Trade and was presented to the Legislature by the Hennepin County delegation, who amended it by a provision

to submit the same to a vote of the people. It then passed both houses under a suspension of the rules.

On March 30 the Knights of Labor adopted a set of resolutions condemning the movement in favor of parks and calling for a public mass meeting to protest against the ratification of the Park Act. The hall was crowded, but no one was allowed to express an opinion favorable to the passage of the act.

The election to ratify the Park Act was held on April 3, 1883, and, notwithstanding the strenuous efforts of the opposition, it was carried by a majority of 1,405. The friends of the parks, after twenty years of earnest effort, achieved success, and the Board was organized and proceeded to lay out and acquire a system of parks and parkways which is now the pride of the city.

Within two years of the organization of the Board, those who were the most strenuous opponents of the measure began to appreciate the value of parks; the Knights of Labor, who had so bitterly opposed the adoption of the Park Act, sent a petition to the Board favoring the acquisition of land for a park; and the large number of children with their parents who visited the parks was evidence that they were for the working people, as well as for the rich.

Soon after the organization of the Board, Dr. Jacob S. Elliot, one of the pioneers of Minneapolis, presented to the City four acres, between Ninth and Tenth streets, which the Board named Elliot Park in his honor.

During the first two years of the existence of the Board it acquired, by gift and purchase, ten tracts for parks, those most important being Loring Park, 37 acres, and the tract of fifty-five acres inclosing Lake Harriet, a beautiful sheet of water consisting of 360 acres. This latter valuable acquisition was donated by Col. William S. King, Henry B. Beard, and Gen. J. V. D. Reeve. Since that time one hundred and fifty acres have been added to its land area.

In July, 1885, all the shore of the Lake of the Isles, except a few lots which were condemned, was donated to the city. This is now one of our most attractive parks, containing 200 acres. In the same year the east shore of Lake Calhoun was acquired, thus connecting the lake parkways, and now the entire shore is owned by the city, and a boulevard encircles it.



This lake and the Lake of the Isles are connected by a short canal, through which pleasure boats pass. A canal is also being made to unite these lakes with Cedar lake. There are now in the park system six lakes, connected by parkways.

During the year 1886, Kenwood Boulevard, containing 20 acres, was graded and improved by the owners and donated to the city. The most important acquisition to the Park System made in 1887 was the tract of 123 acres which includes the Minnehaha Falls. This park is now the most popular in the system, and it is visited by many thousands during the summer months on Sundays and holidays, the visitors frequently numbering over ten thousand.

The next great addition to the parkways was the Minnehaha Parkway, extending from Lake Harriet through the beautiful valley of Minnehaha creek to Minnehaha Park. This parkway, five miles long and from 200 to 600 feet wide, with sections running through the natural forest, contains 177 acres, of which over 100 acres was donated by public-spirited citizens.

During the years from 1889 to 1891, inclusive, ten small squares and triangles were donated for small parks, and Col. William S. King presented to the city the beautiful Lyndale Park, containing fifty-one acres, on the east shore of Lake Harriet. The Lakewood Cemetery Association supplemented this last named tract with a gift of thirty-five acres of beautifully wooded land adjoining. Colonel King also deeded a strip of land forty feet wide and a mile in length, for widening the boulevard now called "King's Highway."

Besides the valuable gifts of land which Minneapolis has received, the wisdom of her citizens has been displayed more recently in another form, of which the Shelter House in Camden Park affords the most complete example. This is the generous gift of Mr. and Mrs. Charles C. Webber, in memory of their son, John C. Webber, deceased, for whom it is named. It is a beautiful building of reinforced concrete, in the Mission style, and is perfect in its arrangement for the purpose for which it was constructed. There is a large room, 27 by 53 feet, used as a shelter in summer, which is heated during the skating season. It has two large swimming pools, through which a brook of pure water flows continuously, lockers for the cloth-



ing of the bathers, modern toilet rooms, and, in the second story, a branch of the Minneapolis Library. The pretty "Shelter" in Loring Park is also a gift to the city.

Columbia Park, containing 185 acres, was purchased in 1892, and its cost was assessed on benefited property, which was greatly enhanced in value by the location of the park.

Glenwood Park, the rural park of the system, now contains nearly 600 acres, which the Board hopes to increase to 1,000 acres. It contains a beautiful little lake, surrounded by hills which are heavily wooded, one of which is the highest point in Hennepin county. In this park the native wild flowers are carefully kept in growing condition by Miss Eloise Butler, who has charge of the wild garden, where nearly all of the native flowers of the State are cared for. This collection is much appreciated by those who are interested in plant life, and is of great educational value.

The parkways are important features of the Minneapolis park systems, the most important being the Minnehaha and the River Bank drives.

When Minneapolis and St. Paul purchased the east and west banks of the Mississippi river from Fort Snelling to the University, they secured for posterity the most beautiful parkway in this country, forming really a great park with the mighty river running through it. The area on the west side, from Minnehaha to Riverside Park, and including both, is 369 acres, of the most picturesque character; on the east side, from the University to Fort Snelling, 682 acres.

The late Joseph A. Wheelock, to whom the City of St. Paul and the State of Minnesota owe so much for his unselfish work for their development and prosperity, wrote in one of his reports, when President of the Park Board:

With the acquisition of the river bank from Summit avenue to Fort Snelling, the City of St. Paul will possess a driveway about eight miles and a half in length, along the summit of the bluff walls on the east side of the Mississippi, which eminent landscape architects agree in saying will have no equal in America in the picturesque aspects of the river scenery which it will command, and in the beauty of its forest environment. Meanwhile, the Minneapolis Park Board are about to acquire the corresponding edge and slopes of the bluffs on the western side of the river, which it is hoped the military authorities will extend or permit to be extended to Fort Snelling bridge, which will form one

connecting link between the two boulevards, as Marshall avenue bridge will form another. With these connections the twin boulevards will form a circuit along the summits of the bluff hills on both sides of the river, and will duplicate, in one enchanting drive, the charms of each. There will be nothing like it, or approaching it in beauty, in any other American city.

The development of these river boulevards along the coterminous boundaries of the two cities will bring these parkways and park systems into close contact, being a long step forward towards a still wider scheme of interconnection.

These riverside parkways are now completed, and the dreams of the advocates for the parks are being realized.

Minneapolis now has thirty-three miles of parkways, and this will be largely increased by a drive of over ten miles in length, which will entirely encircle the city, making over forty-three miles within the city limits. Dr. W. W. Folwell, when President of the Board, suggested this drive, which will connect all the parkways and many of the parks of Minneapolis, to be called the "Grand Rounds." This will connect with the St. Paul parkways, giving to the Twin Cities the longest, most diversified, and grandest system of drives in the country. With all of its branches, including those now completed and others which are planned, there will be over seventy-five miles, running through valleys, over hills, bordering lakes and rivers, a large portion through forests and grand natural scenery.

The park system of Minneapolis now consists of:

|                                                             |                 |
|-------------------------------------------------------------|-----------------|
| 27 parks of over five acres each.....                       | 2,767.13 acres. |
| 40 small systems and triangles.....                         | 228.10 acres.   |
| 8 parkways or boulevards from 200 to 600 feet<br>wide ..... | 662.58 acres.   |
| 12 playgrounds, 9 now in use.....                           | 31.08 acres.    |

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Total.....3,688.89 acres.

If one looks at the large sum the parks have cost and is not familiar with the financial conditions and the amount which should be credited to them through the increase in the value of the real estate contiguous to them, he is apt to say that the City is expending too much money for recreation grounds; but the facts are that, with one exception, there is not a park or parkway in Minneapolis that is not a source of profit through the amount collected in taxes on increased valuations. This is

not only true in Minneapolis, but it is true in other cities. The great landscape architect, Frederick Law Olmsted, said: "That a well arranged and attractive park adds greatly to the value of real estate, is a well known fact." The foremost business men of New York said the purchase of Central Park was the city's most profitable real estate speculation.

Jacob Riis, the philanthropic friend of the poor, said:

It is a wicked city where the boy is denied a chance to play. . . . Build your parks and playgrounds, and the boy gets a chance at once; and when he gets it, he will go to work and he will be a good citizen. As a result of the three years' era of reform in New York City, in which twenty-two millions of dollars had been expended for parks, playgrounds, and schoolhouses, the death rate was reduced from 26.33 per cent to 18.66 per cent.

An article in the New England Magazine, on the town of Brookline, Mass., says:

Regarding municipal development on broad lines as a remunerative investment for the town, the Beacon Parkway will be cited. Beacon street was widened from 160 to 180 feet in width, the entire cost being \$615,000. In six years the increase in assessed values of land on each side of the Parkway throughout its entire length in Brookline was \$4,330,400, with no allowance for any increase in personal estate incident thereto; thus paying for itself long before its most zealous advocates supposed it would.

The experience of Minneapolis is the same as that of other cities. Before improvements were made in Lake of the Isles Park, lots were selling for from \$15 to \$20 per front foot. Within two years from the beginning of those improvements the price had risen to \$100 and over per front foot. Many more instances could be cited to prove that well considered plans for large public improvements of this kind are profitable investments. But, better than the financial benefits to be derived from them, they are invaluable for the promotion of the health, the morals, and the pleasure of the people.

The Park Board for more than twenty years has had the entire control of the planting and care of the street trees, and its forestry committee is planting about two thousand each year. This department has done much to make the streets of

the city attractive, and it is becoming noted as one of the most beautiful shaded cities in America.

If the establishment of parks in the towns and cities of the State is encouraged, some speaker, in future years, who has the privilege of appearing before the Minnesota Historical Society, will be able to relate more fully the practical benefits and elevating influences derived from the people's recreation grounds.

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POSTSCRIPT, IN ACCORDANCE WITH REQUEST OF THE COUNCIL.

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The foregoing paper, read by its author in the meeting of this Society, met with deservedly generous applause; but, in the discussion which followed, the criticism was made that the author, with characteristic modesty, had carefully avoided any reference to the part he had himself had in the development of the Minneapolis Park System. The undersigned was therefore requested to add a memorandum to accompany this paper, to supply in some measure the admitted deficiency.

The Park System of Minneapolis has not been the work of any one man, but has resulted from the unpaid co-operative efforts of many, so many that space cannot be afforded for even a list. But there is not one of them all who have so co-operated who will not desire to have Mr. Charles M. Loring singled out and honored as the one most active, zealous, and indefatigable. He was a prime mover in all the abortive efforts toward park beginning described in his paper. Failure only spurred him to renewed activity. Possibly he deserves the gratitude of the city for all these failures as much as for the later successes.

The fundamental act of the legislature of 1883, condemned by the city council and denounced by the Knights of Labor, would not have been passed but for his untiring advocacy. When the first Park Board was formed under the law, Mr. Loring was at once logically placed at its head. He held the presidency for many years, and might have retained it indefinitely, but that he felt obliged to resign when the Board desired to acquire a piece of land in which he had an interest. But no matter whether in the chair or on the floor, and even after his ultimate retirement from the board, his interest never flagged nor his enthusiasm abated. Indeed the contagion of



Mr. Loring's enthusiasm has perhaps been the most potent force in the whole development.

Among the services deserving of particular mention is one in which he took great pride, and which was of great and lasting advantage. That was the discovery of two men soon after the organization of the Park Board. It was he who secured the services of Horace W. S. Cleveland, already eminent among American landscape artists, for designing our earlier parks and parkways. Mr. Cleveland possessed in a high degree the art of subordinating art to nature. All his designs were accommodated to the shape and contour of natural surfaces. The grove or forest, the lawn or meadow, in his vistas and surprises were the dominant elements. All artificial constructions were kept out of sight, so far as possible, or blended in the landscape.

The other man was William M. Berry, who had co-operated with Mr. Cleveland in the development of Chicago parks. The two made an admirable team. In absolute sympathy with Mr. Cleveland's ideas, Mr. Berry knew how to work them out faithfully, and with a degree of economy beyond praise. Every dollar allowed him showed in results. It was the effective simplicity of Mr. Cleveland's designs, carried out by Mr. Berry at costs that seem pitifully small in these days, which overcame opposition and reconciled citizens to larger outlays for park acquirement and maintenance.

In the working season there were few days, for many years, when Mr. Loring was not in the field with one or other of these admirable experts. In grateful recognition of his labors the Park Board gave the name of Loring Park to the first acquired and most conspicuous of the interior parks. It would be but just that some enduring memorials of Cleveland and Berry, his co-workers, should be provided.

For more than half a century Charles M. Loring has had the park system of Minneapolis close to his heart, but not to the exclusion of other good causes. Every public interest of his city and state has had his sympathy and support; but his fellow citizens know him best by his long and faithful labors to build up their parks, and they have given him the title they desire posterity to perpetuate, "Father of the Park System."

WILLIAM W. FOLWELL.



## HISTORY OF THE PARKS AND PUBLIC GROUNDS OF ST. PAUL.\*

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BY LLOYD PEABODY.

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Of the few whose prophetic vision in the early years of the history of this city swept over our river bluffs and alternating hills and valleys and saw there, ready to our fashioning, a combined park system unequaled in its setting, Joseph A. Wheelock was easily first. It is not claimed, here, that he was the first in point of time to dream of great things for the future, but that, summing up the things he sought to bring about, and comparing them with the actual achievement, there is no other man who can be placed beside him as a founder of our parks.

The Pioneer Press, which became great under his hand, was always a power for the advancement of the interests of the city in the domain of parks. Identified as he was, from the very earliest efforts in that direction, with the movement for the acquisition of parks, his interest and his work never flagged. We are informed by those who knew him most intimately that for the last ten years of his life fully half of his time was given to work for the parks. Before his active connection with the Park Board there was no park system. His imagination saw, and his mind devised, the system of parks and boulevards for St. Paul as they are today. His energy and perseverance brought to a conclusion many of the most important of the separate features of the system.

Mr. Wheelock spent the most of what to other men would have been leisure time in going about the city and its environs, in company with his most effective and sympathetic co-worker, Mr. Nussbaumer, Superintendent of Parks. Day after day and month after month, almost without rest so far as holidays were concerned, they went over the proposed system, planning an

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\*Read at the monthly meeting of the Executive Council, March 10, 1913.

area here, a connecting boulevard there, and perfecting and bringing into symmetry as a whole that remarkable series of natural intervals and spaces which we now know as our park system.

#### THE OLD SYSTEM; PUBLIC SQUARES.

The classification of our park areas, with reference to the original purpose back of their institution as such areas, falls readily into two classes, the old and the new.

The park areas belonging to the old system were really not of a system at all. They were merely a haphazard lot of open spaces, which had come to the possession of the city in all sorts of ways, and with no common nor ordered purpose on the part of the donors, when they were donated, nor of the authorities of the city in the cases when the areas were acquired by purchase or condemnation. These areas had no relation to each other, nor to any general plan.

It is not intended by any means to detract either from the merit of the various donors of those old park plots, or from their utility and even beauty. Many of them, as will be noted later, lend dignity to their surroundings, are quite fit and adequate as park spaces in their respective localities, and are justly considered as monuments to the men whose generosity preserved them to public use. The point here made simply is that the park areas of St. Paul, as a unified system, were never dreamed of, certainly never effectively, until the dreams of Joseph A. Wheelock, and of those who worked with him and after him, came true.

The greater number of the old areas are most fitly defined as public squares, having some utility as connective ways between neighboring streets, and which in closely built up portions of the city give distinction to the surrounding architecture.

#### COURT HOUSE SQUARE.

The first of these squares, in point of relative importance, is the Court House Square, on which the present Court House stands. This was donated to the County of Ramsey by Vital Guerin, in 1850. Later, in 1876, his widow, Adele Guerin, gave a quitclaim deed of the property to the county in consideration

of the sum of one thousand dollars; and in 1892 the County deeded a half to the City. The location of this square, which was perhaps originally nearly accidental, proved to be a most fortunate one, situated, as it is, between Fourth and Fifth streets on Wabasha, on one edge of the business district proper, yet in a quite central location with respect to all parts of the city.

#### RICE PARK.

Next in importance of these public squares is Rice Park. If it were not for the use made of the Court House Square, this park should be placed first in the list. Located, as it is, between Fourth and Fifth streets, with St. Peter street on the east, it has already become the center of a series of public and semi-public edifices of noble design and architecture, which buildings would lack a large share of their present effectiveness, from an artistic standpoint, in the absence of an open space for a proper setting. With the United States Building on the northerly side, the new Public Library on the south, made possible largely through the munificence of James J. Hill, and the Wilder Charity Building on the west, there are few similar areas in any city which so well serve the purpose for which they were originally devoted as does Rice Park.

The ground, 1.60 acres, was donated to the city by the owners and platters of that and the surrounding property, former United States Senator Henry M. Rice, and his associate, John R. Irvine. The donation was made May 16, 1849. It is interesting to note that there never was any formal dedication of this square to public uses. On the plat of Rice and Irvine's Addition, the ground is designated as "Public Square." The only approach to a dedication appearing on the plat are the words, " . . . that the map hereto attached is a correct map . . .," etc. The filing of such a map, however, followed by the taking possession by the public, constitutes a sufficient transfer of the interest of the donors to the city (which continued as a village until five years after the date of the plat).

#### IRVINE PARK.

This park or square is noticed next in order, not because of its relative importance, but on account of the fact that it passed

to the city at the same time and in the same way as Rice Park, just described. It is located at the intersection of Franklin and Walnut streets, in the West Seventh street district. By itself, this park of 3.58 acres is a dignified and sightly square, but the development of the city has left it with no distinctive surroundings. It is of value as a breathing space and a neighborhood park, but it cannot be given any higher rating as an institution of public utility or beauty. It is a part of the land platted with Rice Park in Rice and Irvine's Addition. The area here, also, is simply indicated on the plat as "Public Square." The names of these two parks were bestowed in recognition of the generosity of the donors respectively.

#### SMITH PARK.

This square of 2.03 acres, lying between Fifth and Sixth and Sibley and Wacouta streets, should be ranked third among this class of spaces in the city. It affords some slight utility as a connective way for pedestrians, but is chiefly useful as affording one of those open spaces which add so much to the sightliness of a city, especially in a congested district such as is the one in St. Paul where it is located, and which add greatly to the artistic merit of the surrounding architecture, as already pointed out.

This square was acquired by the city at the time of the plat of Whitney and Smith's Addition, in which it lies. The owners of the plat were Cornelius I. Whitney and Robert Smith. They were both non-residents. The name of the latter was assigned to this square, which on the plat appears merely as a space marked "10," as a block number in a series of blocks. The dedication recites that the owners of the property "hereby convey the public square to the public," etc.

The ground was originally a high hill of drift gravel and boulders, some sixty feet above the surrounding land, and has been graded down to its present level in the general improvement of the district. The recorded plat bears date of July 24, 1849.

#### SUMMIT PARK.

This is a beautifully adorned square of .79 of an acre, lying at Summit and Nelson avenues. Half of it was donated to the

city by Bartlett Presley, and the other half was purchased at a cost of ten thousand dollars. It has been ornamented at a cost of \$2,104.57; and it is the site of the City Monument to the Soldiers of the Civil War. The plot was acquired in March, 1883. Although of small area, the outlook it affords over the business section of the city, and its adornment with a growth of large forest trees, make it one of the most important small parks in the city.

#### CENTRAL PARK.

Central Park, which contains 2.35 acres, occupies so commanding a position, with reference to possible future approaches to the State Capitol, that it possesses an importance which increases as time goes on. It lies just north of the junction of Minnesota street with Summit avenue.

The acquisition of this park presents one of the earliest instances of the citizens of St. Paul making an effort to improve the appearance of the city by increasing its open spaces. Mr. Frederick H. Warwick, a lithographic artist, drew a map of a proposed park designed to take in the ground which now constitutes Central Park. George H. Hazzard, now Superintendent of the State Park at Taylor's Falls, interested himself with John C. Quinby, Major John Espy, and others, in agitating the matter of acquiring the park and in procuring options on the property. Theodore L. Schurmeier, William Lindeke, W. R. Merriam, Uri L. Lamprey, William Dawson, and other well known men, were owners in the desired tract. Mr. Dawson purchased the interests of Mr. Merriam and Mr. Lamprey, and with others made a donation to the city of a good portion of the ground. The remainder of the tract was purchased by the city. The date of acquisition was November 15, 1884.

#### LAFAYETTE SQUARE.

This square was acquired by the city by purchase in the years 1884-86, at an initial cost of \$18,088.80; and it has been improved at a cost of \$1,513.80. The area is 1.01 acres. This ground has for many years served the purposes of a neighborhood park at Grove, Locust, Ninth and Willius streets, where it is situated. It seems likely that this square will pass into history by the encroachment from the surrounding territory of



business which cannot well accommodate itself to broken areas and spaces.

#### THE NEW SYSTEM OF PARKS.

It is perhaps not quite accurate historically to class our three principal landscape parks as belonging to the new system. What that system comprehends is set out more fully under the next following subdivision of "Parkways and Boulevards." But it seems most appropriate to class them with the new, rather than with the old, for while the beginnings of Como Park, particularly, run back into the early history of the city, yet its development and that of the other two mentioned have been perfected under the new spirit which has brought our parks as a whole to their present standard.

#### COMO PARK.

No history of the parks of St. Paul would be well balanced which did not give large space to Como Park. This conclusion is established by several considerations. Its history runs back well toward the beginning of the city, as above pointed out. Its area, 319.34 acres of land, 107.75 of water, having thus a total of 427.09 acres, gives an expanse devoted to landscape gardening quite commensurate with the present development and wealth of St. Paul. Its individual beauty, regardless of comparisons with other like parks, is too manifest for discussion. Finally, its location affords a sort of nucleus from which run out several parkways, uniting this most important park with the entire system.

The history of this park begins with an act of the Legislature of Minnesota approved February 29, 1872, by which the Judge of the District Court in Ramsey County was required to appoint five commissioners, whose duty it should be to contract for and purchase not less than five hundred, nor more than six hundred and fifty, acres of land within a convenient distance of the city of St. Paul, but "beyond the present limits thereof," for a public park. A bond issue was provided, to an amount not exceeding \$100,000, for the purchase of the tract to be selected by the commissioners. In 1873 the act was amended in some particulars, and pursuant to the act Judge

Westcott Wilkin appointed, as commissioners, General H. H. Sibley, Joseph A. Wheelock, Samuel Calhoun, William Pitt Murray, and J. C. Burbank.

The City Council took the necessary steps for the issuance of the bonds, the lands of the first portion acquired were selected at Lake Como and put under contract, and the details of perfecting the transfers from the various owners were put under way. Meanwhile opposition sprang up in several quarters, and it finally spread till it appeared to involve nearly all the best citizenship of St. Paul. The first active opposition appears to have taken shape in the City Council.

In the St. Paul Dispatch for July 2, 1873, on page 2, appears the following report of the proceedings of the Common Council of St. Paul:

A communication was received from the parties owning the real estate purchased for the public park, notifying the council that they were ready to perfect title to the land as soon as the city should execute the necessary bonds for the purpose. . . . Alderman Fisher moved the reconsideration of the resolution by which the Council had directed the purchase of the property at Lake Como for park purposes. In support of the resolution he read a long speech, and concluded with an appeal to the Council not to make laws in favor of the rich who could "ride in chaises," and against the poor who could not afford to indulge in such articles.

Alderman Louis Krieger made some remarks in support of the resolution, in which he referred to those who had "parks on the brain," to "oppression of the poor," etc. The motion to reconsider was lost.

The speech of Alderman J. W. Fisher in support of his resolution appears in the St. Paul Dispatch for July 3, 1873, and refers to the acreage of the park as 257 acres, and to the bond issue as being \$392,000.

In the Dispatch for February 18, 1874, appears the record of the proceedings of the Common Council at which Alderman Krieger introduced a resolution in the following language:

*Whereas*, The City Council of the city of St. Paul did purchase a public park at and near Lake Como, and whereas the voice of the people is apparently opposed to the city holding said land for such purpose.

That the public debt of the city has thereby been increased beyond

the interests of the tax-payers, and at a time when they are least able to bear it.

That no publicly expressed voice of the people demanded said purchase; that the public interest demands that said lands be sold and the proceeds placed in the city treasury to pay the principal and interest of said department incurred thereby, if the same can be done by authority of law. Therefore

*Resolved*, That the subject of the power of the city to sell a part or the whole of said park lands be referred to the City Attorney for his legal opinion, as to the legal right of the city to sell lands or some part thereof, and [that he] send the same to the Council at the earliest day practicable.

The subject became a matter of general public concern and was taken up by the old Chamber of Commerce, a body older than, and quite distinct from, the present Commercial Club of St. Paul. Prior to formal action, the following petition was circulated and signed, and, with the names attached, was published in the Dispatch, which at that date had become the "Evening Dispatch," in the issue of April 4, 1874. The petition is as follows:

#### THE COMO PARK. A PETITION FOR ITS SALE.

To the President and Common Council, City of St. Paul, GENTLEMEN:

The indebtedness of St. Paul is increasing at an alarming extent, and we the undersigned taxpayers would ask of your honorable body to sell the park property, provided it can be sold at cost, and reduce our liabilities. What we most need is sewerage, elevators, free bridge and good roads. We ask you as taxpayers that you so regulate the burden of taxation for the purpose of promoting the future prosperity of St. Paul, and not for the advancement of private interests of wild real estate speculators.

The petition bears the names of one hundred and forty-eight signers,—names, be it said, even today, of the highest honor in St. Paul. At least twenty-five of the names are those of men who are universally known and respected today. For obvious reasons the publication of the list of these names is forborne. These men represented the best blood of St. Paul at that time. But the citizens were oppressed by business reverses brought on by the "panic of '73," referred to in the Chamber of Commerce meeting stated more in detail below. The city was then small, with a population of only about 30,000.

The park project was a very ambitious one for a new city, whose citizens were struggling with the financial depression that was then world-wide.

Further, the final action of the Chamber of Commerce on this matter appears to indicate that the sober second thought of the men of St. Paul was sound, and that the petition was born of fears to which they had only temporarily yielded. Two days after the publication of the petition there was published in the Dispatch for April 6, an account of the consideration of the petition at a meeting of the Chamber of Commerce. The account states that William L. Banning spoke in support of the petition, and in the course of his remarks reiterated some prior statements made by him that the park when completed would have cost three million dollars. Pennock Pusey spoke in favor of retaining the park, and in the course of his remarks said:

It was thought, and I think wisely thought, that we should profit by the errors and omissions of other cities, and take timely steps to secure one of the many sightly and characteristic spots for which our landscape is noted, before the complications arising from the erection of expensive private improvements should render the undertaking difficult and costly. . . . I submit that the failure of Jay Cooke & Co. and the resulting monetary scare, matters of temporary concern, things of today, from the effects of which we are already rapidly recovering, are scarcely a sufficient cause for the abandonment of all provision for an expanding future.

It is of interest to note, in passing, that Mr. Pusey in his address charges Mr. Banning with saying that no parks would be needed until after the passage of fifty years, when St. Paul should have attained a population of two hundred thousand. We shall not complete this fifty year period till 1924.

The matter was laid over for a week, and in the issue of the Dispatch for April 13, 1874, it is chronicled that the petition was indefinitely postponed, with but one dissenting vote. The name of the dissenting member is not given, but we may easily guess it.

At the time of the presentation and consideration of these trouble-borrowing resolutions, there was in progress a conclusive demonstration of the wisdom, from a business stand-



point alone, of the purchase of the park lands, and as well the fairness of the purchase price, commercially considered. This appears in an editorial in the Dispatch in the issue for April 7, 1874. It is there stated that the real estate firm of Col. D. A. Robertson & Son proposed to purchase Como Park, except a hundred acres to be retained by the city, the purchase to be effected by guaranteeing the payment of the bonds which were issued to secure the park lands, so that the 100 acres would cost the city nothing. The editorial goes on to state that this proposition will go far toward convincing the most skeptical that the purchase of Como Park was a judicious investment.

The work of shaping the wooded area and utilizing the expanse of water included in the original purchase, and in later acquisitions for Como Park, has fallen to the Superintendent of Parks, Frederick Nussbaumer, who has held his present position continuously since his appointment in 1892. It is but scant justice to say that the work could not have been put in better hands. Mr. Nussbaumer has combined native taste and a capacity to grow with his work, with executive ability of the sort which has enabled the Park Board over many years, and with the successive changes in its personnel, to leave in his hands to a large degree the purely business part of the administration of this and the other parks of the city. Whatever of individual service the future may bring to the city of St. Paul, Como will remain as a testimonial to the native genius and energy of Superintendent Nussbaumer.

It has unfortunately become true that Lake Como, the native setting around which the park has been built, is with difficulty maintained at a satisfactory level of the water. Powerful pumps were installed several years ago; and during the past winter of 1912-13 have been worked continuously day and night. The superintendent reports that even with this constant supply the level at which the water stood in October, 1912, has been but little more than maintained. It is thought that the location of sewers in the vicinity has operated to drain off and thus divert from the lake a considerable amount of surface water which originally found its way thither; and also that the work of improving the lake has disturbed its natural bed



of impervious soil to such an extent that a partial drainage from the lake itself has been set up by that means. It is the intention of the superintendent to seek a remedy for the latter condition, which, if his theory be correct, is susceptible of being rectified.

In the improvement of the park, the shores of Lake Como have been dredged out to make a more uniform and deeper stage of water near the shores, the lagoon northwest of the lake has been improved by dredging, and a waterway has been opened from it into the lake proper. Besides containing in large numbers the native plants and flowers of the state, the park now supports, through the ingenuity of Mr. Nussbaumer, not less than twenty species which were formerly exotic to the state.

It is interesting to compare the prophecies made at the time when the first land for Como Park was acquired, with what has actually come to pass. The total cost of Como Park to date for land is \$141,880.61, and for improvements \$465,545.19; in total \$607,425.80. This is nearly \$2,400,000 less than the three millions which Mr. Banning in 1874 prophesied it would cost.

Another light that failed was Alderman Fisher. The rich do go to Como "in their chaises," propelled now by gasoline; but it is a safe hazard, judging from what one may observe at Como every summer, that there are at least fifty poor people and those of the middle class financially who patronize Como, to one who goes there in an automobile or carriage.

#### PHALEN PARK.

This park in its main extent is of comparatively recent acquisition, and, leaving the water out of consideration, is second to Como in size, containing 239.14 acres of land. There are 222.04 acres of water, making a total area of 461.18 acres, thus somewhat exceeding Como in total area. The land was all acquired by the city by condemnation proceedings, dating from the year 1894 onward. The latest acquisition was May 19, 1906. The park takes its name from Lake Phalen which forms a part of it, and which, with the neighboring hillocks and valleys to the south and west, well timbered with native oak, forms so

attractive an expanse of natural landscape that its acquisition as a park for the city was almost a foregone conclusion.

Lake Phalen and its outflowing creek were named for Edward Phelan (whose name was variously spelled), one of whose successive land claims, in the earliest years of St. Paul, was on this creek. He sold the claim to William Dugas, who in 1844-45 built a sawmill on the creek and intended also to make it partly a grist mill, this being the first mill in St. Paul.

Though Phalen Park is somewhat remote at the present time, yet in view of its inherent fitness as a landscape park and its location on the line of the boulevards destined to encircle St. Paul as more fully set out further on, it is of inestimable value to the city.

#### INDIAN MOUNDS PARK.

For this park St. Paul is indebted to the persistence and energy of Joseph A. Wheelock. Efforts for its acquisition had been under way for some time before the accomplishment of the project. The land was obtained under condemnation proceedings, but in most cases the prices fixed for the respective pieces of land taken were the result of compromise, after almost endless negotiations between Mr. Wheelock and the various owners. The tract was acquired at different times from the year 1893 onward. The area at present is 46.33 acres. The land cost \$126,426.71, and the improvements \$44,101.92; total, \$170,528.63.

The price seems somewhat large for the amount of land which was secured, but in gauging the value of the tract it must be borne in mind that in its main feature, that is, the outlook both up and down the long sweep of the Mississippi river, from the point where the Minnesota enters it, at Fort Snelling, past this city, and far away to the south, Mounds Park is entirely beyond comparison. It is doubtful if there is anywhere in any city so impressive a combination of views, where nearly the whole of the business section of a great city, so imposing an expanse of river, with a vast sweep of country lying beyond, can all be taken in at a single viewpoint. That particular spot was known and appreciated by our red broth-

ers long before any white man came elbowing his way in. Doctor Neill, in his History of Minnesota, sets out the account by Jonathan Carver of the observation by the latter of the burial place of the Indians, which is now so prominent a feature in the park, and from which the park takes its name. Carver's account, which dates from what he saw in the year 1766, is as follows:

At a little distance from this dreary cavern [now known as Carver's cave and which he had just been describing] is the burying-place of several bands of the Naudowessie [Sioux] Indians. Though these people have no fixed residence, living in tents, and abiding but a few months on one spot, yet they always bring the bones of their dead to this place.

#### HARRIET ISLAND.

While there was some opposition of a rather negative sort to the taking over by the city of Harriet Island, yet no voice has ever been raised to claim that this unique bit of nature donated to the city by the generosity of Dr. Justus Ohage, was destined for the use of the rich. No act of greater beneficence has ever been performed toward the city or its people than that of Dr. Ohage in acquiring and donating the island in the channel of the Mississippi known as Harriet Island. That name has long been borne by the bit of land in the river opposite the upper portion of the business section of the city, and it was bestowed in honor of Miss Harriet E. Bishop, who came to St. Paul as a teacher in the year 1847. The land was originally but an enlarged sand bar in the river. Nature had, however, clothed it with an abundant growth of trees, and while Dr. Ohage was Health Commissioner of St. Paul he conceived the project of acquiring and improving the island and turning it into a park and public baths for the use of the people of the city generally. He accordingly acquired the property and donated it to the city by deed dated May 26, 1900, recorded in the office of the Register of Deeds in Book 442, page 439. The area of the island is 28.13 acres, much of which is made ground. The original surface was a series of undulating bars composed of sand and silt, which have been brought to something like a uniform level, the outer edges of the island being raised by hydraulic dredging from the channel, and these newly-built areas being sown to grass.

The native trees have served for most of the adorning necessary in that direction. Nearly all the trees of the island were overturned by the tornado of August 20, 1904, but were quickly restored to their original position where not too badly broken, and there is now so little trace of what then seemed like an irreparable calamity, that the fact that such an event had occurred would not now be suspected by any visitor to the island.

The bath houses have been constructed on the northerly side of the island, with ample dressing rooms for boys and men, and a separate room for women. These, with the outdoor games instituted on the island and the small zoo maintained there, are sufficient attractions to keep the island fairly thronged with visitors, especially in the evenings and on holidays, throughout the summer months. It seems most appropriate to mention in this connection the approach to Harriet Island, which belongs to the park system of the city and leads from the southerly end of the Wabasha street bridge to the bridge connecting Harriet Island with the mainland. This approach was acquired by purchase at a cost of \$3,500 for the land and \$918.03 for improvements; total, \$4,418.03.

#### LINWOOD PARK.

This park is of smaller area than the older landscape parks, but is located in a rapidly growing quarter of the city, and on this account it will no doubt be of increasing importance from year to year. It is at Victoria and St. Clair streets, and is of recent acquisition. It was taken by condemnation proceedings under date of March 18, 1909. The cost of the land was \$22,420.37, of improvements \$9,135.47; total, \$31,555.84. The area is 15.50 acres.

#### PARKWAYS AND BOULEVARDS.

In dealing with the parkways and boulevards of the city it seems fit to pause and take account of those grand features of natural topography on which our new park system is based; for, as intimated in the foregoing subdivisions of this paper, the present system is not the result of haphazard, but has been carefully thought out and elaborated, from a plan presented



by nature itself. The following out of this naturally graven path has led to a development which has been of parkways and boulevards, rather than of landscape parks. A glance at the map of the natural physical features of St. Paul and its environs shows that the Mississippi river sweeps about the city in a semi-circle, running from the city limits of Minneapolis on the west to the point where the river turns southeastward at Indian Mounds Park. Passing over the map with the eye from Indian Mounds Park northward and then westward, it is observed that Lake Phalen and Lake Como lie in the northerly half of the great circle of which the river makes the southerly portion. This, then, was the great natural parkway which presented itself to the vision of Joseph A. Wheelock. At the time he took up his work, because the depth and precipitous slope of the river gorge did not permit any ordinary utilization of the land, the desired areas lay to a great extent unspoiled and ready for fitting into a comprehensive and unified system.

This is what is known to those concerned in the development of the parks as the "Outer Circle." Far too much of it has been marred by the hand of man. Much of it remains to be acquired. But so well awakened have the citizens of St. Paul become to the power of parks and parkways to draw to their vicinity commercial values, and, it is to be hoped, so appreciative have they become to the purely artistic value of these open spaces and ways, that there is little fear that any support which is necessary in the future for the carrying out of those portions of the plan yet in embryo will be withheld.

#### MISSISSIPPI RIVER BOULEVARD.

The key to this grand parkway, and individually a most impressive portion of it is the Mississippi River Boulevard. This consists, topographically, of the crest and slope of the eastern side of the Mississippi gorge from the Minneapolis city limits, just north of the Town and Country Club, to West Seventh street at the Fort Snelling bridge. The length of this boulevard is 3.51 miles.

The acquisition of this expanse of ground has effected the preservation, it is to be hoped for all time, of a long stretch



of our great river in the same condition that it appeared to Father Hennepin and Jonathan Carver on their first explorations of the valley. From the north end of the boulevard to a point near the Government high dam, at the Soldiers' Home, the entire gorge, as well as the woodland upon the level bench above it, are practically in a state of primitive nature. The dense woods, in which are represented nearly all our native hardwood trees, with a fringe of red cedars along the bluff and a sprinkling of the white pine, here west of its main geographic range, stand for the most part unspoiled by the ax.

Although the improvement has drawn to the adjacent platted land large values, the territory up to the present is practically unoccupied. North of Marshall avenue the improvements of the Town and Country Club front for a considerable distance on the boulevard. South of Marshall avenue and near to it, a few fine residences have been built fronting on the boulevard, and the grounds of the St. Paul Seminary run down to the boulevard just south of Shadow Falls Park. Aside from these improvements, the ground along the boulevard is practically unoccupied to a point far south of the Government high dam.

The driveway proper has been completely improved throughout its length. All necessary bridges, culverts, and drains, have been put in, and the way surfaced with crushed rock with a crude oil dressing, and it is probably the best patronized automobile drive in the city.

The lands for this improvement were acquired at different times, by condemnation and purchase, beginning December 16, 1901, and the last acquisition was dated September 18, 1907. The total area is 130.54 acres, and in this connection it should be noted that not all, but a portion only, of the slopes of the gorge have been acquired by the city. The cost of the land was \$33,818.94, of improvements \$93,414.64; total, \$127,233.58.

#### WHEELOCK PARKWAY.

Separated from the Mississippi River Boulevard by a stretch of territory to be covered by a projected parkway not yet perfected, is Wheelock Parkway, which extends from Como Park

to Phalen Park, and which is one of the boldest and best conceived projects in our entire system. It is here characterized as bold, for the reason that it has been pushed through a territory from which no immediately local support for such a project could be expected, and because it could never have been conceived save as a part of the entire plan of encircling the city with a continuous parkway. With its length of 4.27 miles, its setting among the rolling highlands in the north portion of the city, and its terminal points resting on our two most important landscape parks, it is an entirely fit and worthy memorial to the founder of our park system, whose name it bears. The land for this parkway was acquired by condemnation under date of December 10, 1909. The cost of the land was \$15,128.88, and improvements, \$44,482.90; total, \$59,611.78.

#### LEXINGTON PARKWAY.

Lexington Parkway is one of the best known in the city because of its location in a neighborhood where building improvements are already becoming somewhat congested, and where local values are high from the superior character of the building improvements. This avenue, with its length of 2.48 miles, running from Summit avenue north to McKenty street, close to Lake Como, and with its impressive width augmented by an ample building line, lends a pronounced distinction to the district through which it runs, and confers values on the surrounding properties, both artistic and commercial, which can hardly be overestimated.

The land for the park was acquired by condemnation, after some failures and a long struggle which reached the courts. The cost of the land, taken under two separate improvements, was \$102,248.02, improvements \$32,717.22; total, \$134,965.24.

#### COMO AVENUE PARKWAY.

This parkway is the long avenue connecting Como Park with the down-town district at Rice street, having its southeasterly terminal at the point last named. The land necessary for the widening of the streets on the line of this avenue was acquired by condemnation, under different improvements dat-

ing from September 14, 1899, to June 14, 1906. The cost of the land was \$40,963.83, and of the improvements, \$7,733.64; total, \$48,697.47. The area of land taken is 7.37 acres.

#### COMO AVENUE BOULEVARD.

This boulevard is a portion of the parkway which is designed ultimately to link the Mississippi River Boulevard with the park at Como. It extends from the Mississippi river to St. Anthony avenue. The land taken was condemned under date of November 1, 1909. The cost of the land was \$15,415.00; its area, 5 acres.

#### CHEROKEE HEIGHTS AND THE WEST SIDE BOULEVARD.

These two improvements may be considered together, as they are separately acquired parts of one parkway, which has not, however, been completed up to this time. It is impossible to get a proper conception of this parkway without taking into consideration what is proposed to be done, as well as what has already been accomplished. The park authorities have long contemplated securing the crown of the Mississippi river bluff on the west or south side, from a point on the river near or at Mendota and thence eastward, taking in the entire slope and crown of the bluff to a point on South Wabasha street. A large share of this proposed parkway lies in Dakota county, and so is outside the immediate jurisdiction of the city. There exists, however, legislative authority for the acquisition of the necessary property for at least parkways, outside the city limits, which may be done as soon as there are funds available for the purpose, being authorized by Chapter 485 of the Laws of Minnesota for the year 1909.

This great expanse of river scenery is for the most part still in a natural state, and it affords an imposing view westward up the main valley of the Mississippi, and thence farther west up the Minnesota river. It is a combined urban and country view, second only to that at Indian Mounds Park.

Cherokee Heights was the portion of the improvement first acquired. This tract comprises the open ground lying westerly from Ohio street along Cherokee avenue, and takes in a consid-

erable portion of the bluff slope. The High Bridge is the southwesterly terminus of this first section of the parkway under consideration. This section was acquired partly by gift from A. T. Rosen, now a member of the Park Board, and partly by purchase from other private owners. The date of acquisition was from 1903 to 1906. The land cost \$10,818.30, and the improvements, \$3,263.61; total, \$14,081.91. This includes, however, the market valuation of the portion donated by Mr. Rosen. The area is 9.37 acres.

The West Side Boulevard is the extension southwest, from Smith avenue to Baker street, of the parkway beginning as noted on Ohio street. This property was in form condemned, but was in fact the gift of James J. Hill, who furnished the entire amount of money necessary to acquire the property, \$13,000. The condemnation proceedings date June 10, 1906; and the area taken is 9.90 acres.

The ground takes in a considerable portion of the slope of the bluff and a strip of native woodland on level ground at the top of the bluff, which fortunate chance has spared from occupation by building improvements. The view from the top of the bluff near the southwestern or upstream end of this later addition to the West Side Parkway is a most commanding one, affording a vista both up and down the river, and spreading before the eye almost the entire business section of the city.

#### MIDWAY PARKWAY.

This is a connective parkway, extending from Snelling avenue easterly to Hamline avenue. It was acquired by condemnation under date of June 17, 1901, at a cost of \$2,833.88 for the land, and the improvements have cost \$9,455.41; total, \$12,289.29. The area is 5.91 acres.

#### PLAYGROUNDS.

Several years ago, under appropriate legislation, there was created in St. Paul a body known as the Playgrounds Committee. This committee has in hand the work of selecting and looking after the development and care of small breathing spaces at various points in the city, which are designed principally as places where the children of the particular neighbor-



hood may gather and engage in games and sports. The grounds acquired are under the jurisdiction of the Park Board, and are by law classed as parks.

#### STREETS UNDER THE CARE OF THE PARK BOARD.

There is a class of streets which are not properly designated as parkways, but which are ornamented and cared for under the direction of the Park Board. Most conspicuous of these is Summit avenue, which has the features of a parkway, and which is quite the most important connective boulevard running east and west through the city. In its width and ornamentation, it takes the character of a parkway at Lexington avenue. From this point it is 100 feet in width west to the Mississippi river, a distance of 2.63 miles.

There are other streets which are receiving the same sort of care from the Park Board as Summit avenue, but they are of less importance and a recital of them here would scarcely serve any purpose of this paper.

#### PARKS AND PARKWAYS IN PROSPECT.

A history of the parks and parkways in St. Paul would be incomplete which does not include, at least in narrative form, a statement of what is designed to be done in the future. A comparison of what is contemplated in the finished system as outlined above, with what has actually been finished by the acquisition of the necessary lands, shows that there are still large gaps to be filled in, spaces to be covered by future purchases or condemnation, and many details to be worked out, which will tax not only the industry of the future Commissioner of Parks, Playgrounds, and Public Buildings, but will as well be a draft on the resources of the taxpayers. The financial problem will for some time remain a serious one, but one which the people have repeatedly of late shown their willingness to face. The present Park Board is carrying forward, with such means as it is able to command, the work laid out in the time of Joseph A. Wheelock.

The city is fortunate in the fact that there is upon the board at this time a man who is able to bring to its various



problems a matured judgment in business affairs, large experience in executive work of the first order, and energy and capacity for new enterprises, which appear unabated in spite of the toll that the years have taken of him. This member is Alpheus B. Stickney. He has personally taken up, and is pressing forward with a zeal which is an indispensable prerequisite of success, the extension of the present finished work to that completed system which shall realize the hopes of the planners of the new system.

Mr. Stickney has taken up at this time the special project of connecting the River Boulevard with Indian Mounds Park, by a portion of the "Inner Circle," the main details of which are as follows.

The top of the river bluff all along the Mississippi River Boulevard consists of a practically level plateau, which lies substantially in the level of Fort Snelling. Eastward of the boulevard the land rises gradually into a second terrace, the crest of which is a gentle eminence opposite the Soldiers' Home, but which rises higher and higher as it passes to the south and east, until at a point near West Seventh street it consists of a high bluff, covered with an oak forest, and presenting a grand view west, south, and east, over the greater part of the river valley in the city limits.

It is proposed by Mr. Stickney to run a boulevard from a point on the River Boulevard near the Soldiers' Home, easterly up to and around the brow of the highland just described, to the wooded bluff on Seventh street. There it is proposed to expand the parkway into a landscape park, to take in the timbered area. Thence the parkway will proceed by way of Linwood Park, Summit Avenue, and the State Capitol grounds and Capitol Heights, next crossing the railroad tracks by a viaduct, and continuing by Dayton's Bluff to Indian Mounds Park.

Mr. Stickney has also been active in the proposition to extend the parkway on the West Side from its present southwesterly limit to Mendota and Fort Snelling, and to take in, as landscape parks, the lowlands and islands between the fort and Harriet Island. This proposed parkway extension in-

cludes the acquisition of lands along the river front from near Fort Snelling easterly to a point within the business district of the city.

There is a proposed extension of the West Side Boulevard easterly around the crest of the bluff along what is known as Prospect Terrace, and the construction of a new way along what will be made land in the river valley, if the harbor project ever comes into actual being. This new way is to connect with the general system at Indian Mounds.

Another project which only awaits adequate financing is an extension of Phalen Park to the south, and its connection with Indian Mounds Park by a parkway. This project is known as the Johnson Parkway, and is one which will certainly be effected in the near future.

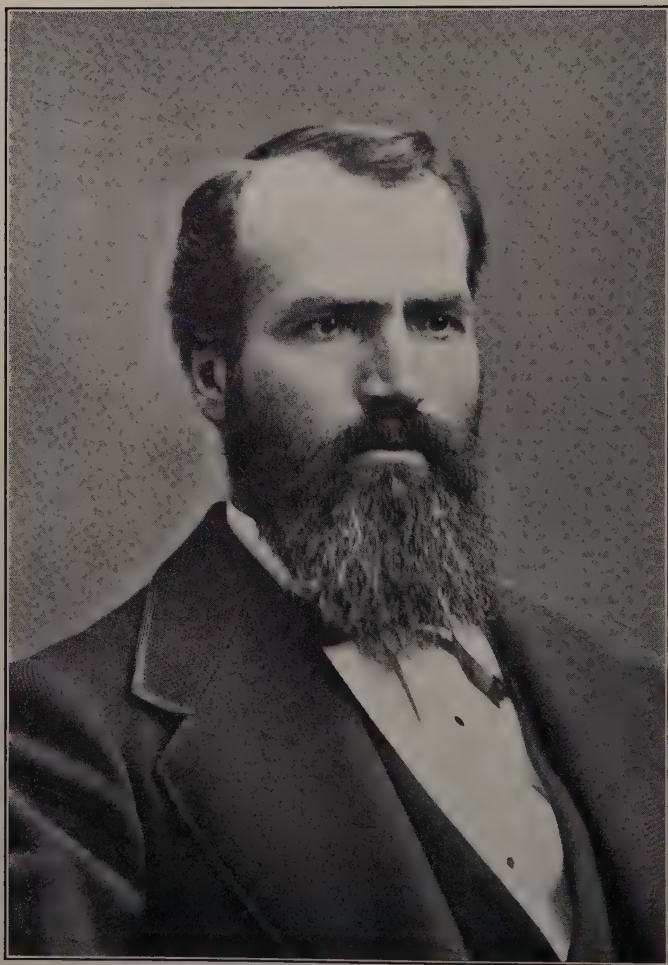
It is proposed to connect Como Park at the northerly end with the Minneapolis system, by an appropriate way running west from Como to the city limits.

Another proposed parkway leads easterly and southerly from Mounds Park across Burlington Heights and into Washington county.

The foregoing enumeration is not exhaustive of the subject of the proposed extension of our park system, but mentions those portions which are necessary to develop the new system into a well balanced whole.

The cost of the park system of St. Paul to the date of January 1, 1912, has consisted in acquisitions of land, \$780,541.80, and improvements, \$887,504.18; in total, \$1,668,045.98. The lands acquired amount to 1,006.04 acres; and the water areas, mostly of Lakes Como and Phalen, comprise 331.89 acres.





*Nathaniel P. Langford*

MINNESOTA HISTORICAL SOCIETY.  
VOL. XV. PLATE XIV.

Date of this Portrait, about 1870; of another in Volume IX, about 1900.

NATHANIEL PITT LANGFORD,  
THE VIGILANTE, THE EXPLORER, THE EXPOUNDER AND FIRST  
SUPERINTENDENT OF THE YELLOWSTONE PARK.\*

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BY OLIN D. WHEELER.

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We are wont to flatter ourselves that we live under a republican form of government, one where the sovereignty is vested in the people. Every form of government, including our own, has, of course, its excellencies and its deficiencies. Among the latter, in a democracy, is the apparent and, all too frequently the real, lack of appreciation and of honor shown to those who have accomplished notable things and achieved distinction in one way or another.

Were we living under a monarchy or an oligarchy, where absolute authority is centered in one or a few individuals, Nathaniel P. Langford and that coterie of now well known explorers of the Yellowstone region in 1870 would long years ago have been knighted or otherwise signally honored for their services to the nation, and indeed to the world.

It so happens, however, that the few monuments which the great Republic officially erects, or the resolutions of thanks to individuals for meritorious actions performed which its representative Congress votes, have been very largely in honor of those alone who have distinguished themselves in warfare.

Although "peace hath her victories no less renowned than war," the records of her achievements are found buried, all too often, in simple and sometimes prosaic reports of limited circulation, with now and then the story finding its way into our literature. There are few memorials, or monuments of bronze or marble, that commemorate the services of men like Lewis and Clark, Astor, Hunt, Fremont, Ashley, Bonneville, Powell, Carson, Bridger, and others, services rendered to the country in various channels, yet all of them more or less important, and performed in modest, simple, and unpretentious manner.

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\*Read at the monthly meeting of the Executive Council, April 8, 1912.



That the Washburn-Doane exploration of 1870 into the now celebrated Yellowstone Park region was productive of most important results, nationally, in its particular line, and that the men composing it were deserving of far more honor than ever was officially or publicly accorded them, is, I believe, an acknowledged fact among all those most familiar with its history.

While some of the party were government officials, the exploration was undertaken by each civilian member of it purely in his private and individual capacity. A quasi-official cast was given to it, however, by the facts that a small escort of United States cavalry under command of Lieut. Gustavus C. Doane was provided by the government, upon request, and that Lieutenant Doane made an official report of the exploration to the War Department. This report, together with Mr. Langford's published diary, constitute descriptive literature of the exploration and region that has never since been surpassed, and indeed has been seldom, perhaps never, equalled.

Fate is a stern and inexorable mistress. She doeth whatsoever she will, and we may but rarely modify or change her decrees. Call it what one pleases, fate, destiny, or Providence, little did any one imagine that on that 16th day of June, 1862, when the Fisk Overland Expedition left St. Paul for the Salmon river mines in the heart of the Rockies, with Nathaniel P. Langford as one of its officers and members, a trail was being followed by him that led ultimately to a new and great departure in national conservation and general recreation.

We were then in the midst of our great Civil War, and the heavy westward emigration that followed that period of strife was yet to come. The western frontier, now almost an iridescent dream, was, even if an imaginary and intangible line, yet a very real one, and it then lay, virtually, along the valley of the Missouri river.

What a wonderful, changeable thing that old frontier was! Like the ever shifting sands of its own deserts or the tremulous and deceitful mirage of its vast plains, it too was ever shifting, ever moving. And after the Civil War, when the hegira from the east began, how rapidly it changed position and marked the

gradual extinction of barbarism, the steady advance of civilization, as "westward the course of empire takes its way."

And now it has utterly and forever vanished. The waste places are filled, the deserts are replaced by grain and alfalfa fields and orchards; irrigation is an evangel of progress and prosperity; the Indians and buffalo in their untamed wildness have disappeared; the story of the "Pony Express" reads like fiction; and the Daniel Boones and Kit Carsons, the Jim Bridgers and Bozemans, the Joe Meeks and Charlie Reynoldses have gone,—because there is no longer a place for them.

In the elimination of that old frontier and the transformation which has been effected, our late friend, Councilor, and President, although he knew it not, was cast by Fate, or by Providence, to bear a most noteworthy and honorable part. I can almost imagine that as he toiled over the long weary miles across the sweeping plains and through the mountains on that slow, winding trek in '62, the prairie flowers and grasses nodded and whispered to themselves in great excitement and the tall pines made dignified discourse as he passed, anent the great discovery by which he with others was in a few short years to startle the country and the world.

It was late in the fall when, after traveling 1,600 miles in eighteen weeks, he reached Grasshopper creek, the Willard's creek of Lewis and Clark, and established himself there for the winter as comfortably as was possible, 400 miles from a post office or settlement. They named the place Bannack, not Bannock, after the Bannack tribe of Indians. Placer gold had been discovered there, gold seekers flocked in, and the town became the first capital of Montana, when the latter was organized as a territory in 1864. Several million dollars were added to the channels of western commerce from the Bannack placers in a few short years, and modern dredges are still wresting substantial values from the old time workings.

Mr. Langford here bore his share of hardships and severe labor during a very trying winter. And onward, for a series of about fourteen years, as an eminent citizen of Montana and much of the time a government official, he bore a conspicuous part in the shaping of the destinies of the new and youthful

commonwealth ordained by nature to become, possibly, the greatest in the sisterhood of Northwestern states.

While it is as a great explorer and the successful expounder of a new idea in national policy that Mr. Langford is best known publicly, he bore an equally important and meritorious part in another matter of vital consequence to the peace, welfare, and credit of the new territory. I refer, of course, to the Vigilante method of law administration and enforcement.

It is difficult for an outsider to realize the cosmopolitan character of that early-day population. Along with honest, well meaning, hard-working men, intent upon making a good livelihood and perchance a fortune, there came, perhaps literally, from the ends of the earth, many of a distinctly opposite character. Adventurers of all sorts, thieves, thugs, fugitives from justice, outlaws, human riffraff from all over the West, poured into Bannack, Alder Gulch, and the other Montana mining camps, as rapidly as they were established, intent upon luxuriously rioting in sin and violence where courts and constabulary were lacking. Many of these road agents, as they were called, secretly banded together and had their spies, places of rendezvous, etc., scattered throughout the region. It finally became a serious question whether any man suspected of having gold dust, money, or valuables of any kind, could possibly journey safely from one place to another, be the distance long or short; and to incur the ill will of one of these men, from whatever cause, meant death. It is known that 102 persons were killed by these bandits, and there were undoubtedly many more.

To thwart the power of the road agents, the Vigilantes were finally compelled to organize secretly. As all law with us comes from the people, so it did here. It was a last and serious effort, a forlorn hope, to enforce actually the spirit and letter of the law, where the usual legal adjuncts were lacking. It was really the essence of law, devoid of its technical forms and processes.

A quotation from a biographical sketch of Hon. Hezekiah L. Hosmer, the first Chief Justice of the Territory of Montana, published in Volume III of the Montana Historical Society Contributions, is pertinent at this point:

The attraction had brought those who came to work, and those

who came to profit by the labor of others. Had the convicts liberated on the approach of Napoleon, on the condition that they burn Moscow, been thrown en masse into the new settlements east of the mountains, it could not have been worse than it was with the crowd that entered and undertook to control Bannack and Virginia City in the years 1862 and 1863.

Self liberty and self preservation made men who regarded laws as necessary attendants upon happiness, heroes in those troublous times. And with a community nearly equally divided between law abiding men and roughs, determination finally brought the desperado to the gallows and made life at least worth the living.

By the Vigilantes, order was restored, and all, from the highwayman to the petty pilferer from the sluice boxes or miners' cabins, knew by the spring of 1864 that if they valued their lives, honesty was not only a virtue, but a necessity. In this way the effect of a well studied criminal law was reached in the early winter of 1864.

The men subjected to the judgments of the Vigilantes were promptly but impartially tried, as they were previously by the miners' courts, without, however, the trifling and petty delays of the law so often now as even then experienced, and the decrees were promptly executed.

Judge Hosmer reached Virginia City in the fall of 1864. He was from northern Ohio, a lawyer and journalist of ability and reputation. Literature was his pastime and delight, and he was a man who seems to have been well equipped in every way for the time, place, and peculiar exigencies of the situation. I quote again from the biography referred to:

Upon the opening of the court a Grand Jury was impanelled, to which Judge Hosmer gave a charge prepared upon the then existing state of society. He, among other matters, reviewed the history of the two preceding years, the establishment of order by the aid of the Vigilance Committee, approved its action as a necessity, but counseled, as the courts were established, that summary proceedings should give way to the law. The charge was met with approval by the bar, and by request it was published.

As soon as lawful officials and courts thus made their appearance, in 1864, and the regular legal machinery was set in motion, the Vigilantes voluntarily ceased to exist, and this fact is the best argument for the righteousness of the movement.

The principal centers at which the organization was active were Bannack and Virginia City, although there were branch organizations at Last Chance and Confederate gulches. Under



the domination of the Vigilantes the desperadoes were hung or banished, crime was actually and swiftly punished, life and property were rendered safe, and society was rescued from a state of anarchy. Some of the best citizens of the territory were Vigilantes. Among them were Col. Wilbur F. Sanders, a leader among leaders and afterward United States Senator from Montana; Samuel T. Hauser, subsequently Governor of Montana; Judge Walter B. Dance; N. P. Langford, and others of equal prominence and standing. Deeds of bravery, equally if not more daring than those seen on the battlefield, were performed by some of these men. Both the moral and physical courage that were displayed by Beachy, Sanders, Howie, Featherstone, X. Beidler, and others, are enrolled upon the scroll of history and will never be forgotten by the old Montana pioneers or their successors. The State would honor itself as well as them by sometime erecting a suitable monument to these men.

Mr. Langford himself, happily, in the Introduction to his "Vigilante Days and Ways," a most valuable chronicle of the time of which it treats, has presented a statement of facts and of arguments justifying the Vigilante methods, that is impartial, honest, cogent, forceful, and convincing to an open and discriminating mind. Honor and praise, instead of adverse criticism, are due those men, and no apologies are necessary for what they did and dared. I quote from the Introduction alluded to:

The truth of the adage that "Crime carries with it its own punishment" has never received a more powerful vindication than at the tribunals erected by the people of the North-West mines for their own protection. No sadder commentary could have stained our civilization than to permit the numerous and bloody crimes committed in the early history of this portion of our country to go unwhipped of justice. And the fact that they were promptly and thoroughly dealt with stands among the earliest and noblest characteristics of a people which derived their ideas of right and of self-protection from that spirit of the law that flows spontaneously from our free institutions. The people bore with crime until punishment became a duty and neglect a crime. Then, at infinite hazard of failure, they entered upon the work of purgation with a strong hand, and in the briefest possible time established the supremacy of law. The robbers and murderers of the mining regions, so long defiant of the claims of peace and safety, were made to hold the gibbet in greater terror there than in any other portion of our country.



Up to this time, fear of punishment had exercised no restraining influence on the conduct of men who had organized murder and robbery into a steady pursuit. They hesitated at no atrocity necessary to accomplish their guilty designs. Murder with them was resorted to as the most available means of concealing robbery, and the two crimes were generally coincident. The country, filled with canyons, gulches, and mountain passes, was especially adapted to their purposes, and the unpeopled distances between mining camps afforded ample opportunity for carrying them into execution. Pack trains and companies, stage coaches and express messengers, were as much exposed as the solitary traveller, and often selected as objects of attack. Miners, who had spent months of hard labor in the placers in the accumulation of a few hundreds of dollars, were never heard of after they left the mines to return to their distant homes. Men were daily and nightly robbed and murdered in the camps. There was no limit to this system of organized brigandage.

When not engaged in robbery, this criminal population followed other disreputable pursuits. Gambling and licentiousness were the most conspicuous features of every mining camp, and both were but other species of robbery. Worthless women taken from the stews of cities plied their vocation in open day, and their bagnios were the lures where many men were entrapped for robbery and slaughter. Dance-houses sprung up as if by enchantment, and every one who sought an evening's recreation in them was in some way relieved of the money he took there. Many good men who dared to give expression to the feelings of horror and disgust which these exhibitions inspired, were shot down by some member of the gang on the first opportunity. For a long time these acts were unnoticed, for the reason that the friends of law and order supposed the power of evil to be in the ascendant. Encouraged by this impunity the ruffian power increased in audacity, and gave utterance to threats against all that portion of the community which did not belong to its organization. An issue involving the destruction of the good or bad element actually existed at the time that the people entered upon the work of punishment.

I offer these remarks, not in vindication of all the acts of the vigilantes, but of so many of them as were necessary to establish the safety and protection of the people. The reader will find among the later acts of some of the individuals claiming to have exercised the authority of the vigilantes some executions of which he cannot approve. For these persons I can offer no apology. Many of these were worse men than those they executed. Some were hasty and inconsiderate, and while firm in the belief they were doing right, actually committed grievous offences. Unhappily for the vigilantes, the acts of these men have been recalled to justify an opinion abroad, prejudicial to the vigilante organization. Nothing could be more unjust. The early vigilantes were the best and most intelligent men in the mining regions. They saw and felt that, in the absence of all law, they must

become a "law unto themselves," or submit to the bloody code of the banditti by which they were surrounded, and which was increasing in numbers more rapidly than themselves. Every man among them realized from the first the great delicacy and care necessary in the management of a society which assumed the right to condemn to death a fellowman. And they now refer to the history of all those men who suffered death by their decree as affording ample justification for the severity of their acts. What else could they do? How else were their own lives and property, and the lives and property of the great body of peaceable miners in the placers to be preserved? What other protection was there for a country entirely destitute of law?

Let those who would condemn these men try to realize how they would act under similar circumstances, and they will soon find everything to approve and nothing to condemn in the transactions of the early vigilantes. . . . .

. . . And when the vigilantes of Montana entered upon their work, they did not know how soon they might have to encounter a force numerically greater than their own.

In my view the moral of this history is a good one. The brave and faithful conduct of the vigilantes furnishes an example of American character, from a point of view entirely new. We know what our countrymen were capable of doing when exposed to Indian massacre. We have read history after history recording the sufferings of early pioneers in the East, South, and West, but what they would do when surrounded by robbers and assassins, who were in all civil aspects like themselves, it has remained for the first settlers of the North Western mines to tell. And that they did their work well, and showed in every act a love for law, order, and for the moral and social virtues in which they had been educated, and a regard for our free institutions, no one can doubt who rightly appreciates the motives which actuated them.

. . . The terror which popular justice inspired in the criminal population has never been forgotten. To this day crime has been less frequent in occurrence in Montana than in any other of the new territories, and no banded criminals have made that territory an abiding place.

The outline of conditions here presented, and the character of the men enrolled among the Vigilantes, afford ample excuse and justification for the existence of the organization. That these men exhibited a high order of moral courage and bravery, and performed a distinct and valuable service to the community, I never heard any one in Montana, familiar with those trying days, question. Doctrinaires and theorists, safely ensconced in habitations far from the scenes of action, may object to the course pursued and cavil at the reasoning that justified it. But to the straightforward, practical man, whose common

sense gives him to see the situation in true perspective and as it actually existed, the means adopted to restore law and order to their high and lofty pedestal among a sore stricken people, and to enforce respect for, and obedience to, their edicts, will appeal to him as entirely righteous and proper. It was indeed a condition, and a grievous one, not a theory, that confronted those heroic souls; and it was met in the only possible and effective way, by stern, unrelenting, yet impartial, action. Soothing syrup methods of coercion were worse than useless. All honor to Sanders, Langford, Howie, and their associates, for the example set those who came after them.

While a resident of Montana, Mr. Langford served the government in several official positions, notably those of Collector of Internal Revenue and National Bank Examiner. In pursuance of his official and other duties, he traveled over a great part of the Northwest, and made the acquaintance of many individuals in all walks of life, and of all varieties of character common to western life of that period.

Among those whom he thus came to know and with whom he had business relations, was one noted in the annals of the West. I refer to James, or, as he was commonly known, "Jim" Bridger, the trapper and mountaineer, a guide of national reputation. Bridger was a unique product of a unique time, a diamond in the rough. Uncouth, illiterate to the extent of being unable even to write his name, he was, notwithstanding, one of the most remarkable men of our western history, within certain limits. A man of great endurance, he had explored wide areas, was the discoverer of Great Salt Lake, was familiar with what is now Yellowstone Park, and had served the government time and again as guide and hunter. He was a natural (a born) topographer and explorer of most exceptional ability, and had an imagination that, crude as he was, would do credit to a Munchausen. This he used upon occasion with telling effect and to the discomfiture of many an unwary individual.

Through Bridger and his marvelous tales and also from other sources, Mr. Langford with others became interested in the geysers, hot springs, and the beautiful lakes that were said to exist on the head waters of the Yellowstone river. For several successive years he and his friends planned to explore the

region, but the danger from Indians each time forced the abandonment of the enterprise.

In 1869 one of the party, Hon. David E. Folsom, refused to be longer frightened from their purpose. With two companions, C. W. Cook and William Peterson, the latter employed on Folsom's ranch, he that year visited the region and returned in safety. So fearful was he that his tale would be disbelieved, that he was extremely reticent and diffident in telling about what he found there. He did, however, write an account of their experience that was published in the *Western Monthly* of Chicago; and to his intimate friends, including Mr. Langford, he imparted a full knowledge of that marvelous locality. This but whetted the appetites of the others and determined them at all hazards to attempt the long deferred exploration of the region.

The party proper, as finally organized at Helena, consisted of nine civilians, with two white packers and two colored cooks as assistants. The principals in this resultful and historic expedition deserve more than passing notice, and I add here Mr. Langford's characterization of them:

I question if there was ever a body of men organized for an exploring expedition, more intelligent or more keenly alive to the risks to be encountered.

Gen. Henry D. Washburn was the surveyor general of Montana and had been brevetted a major general for services in the Civil War, and had served two terms in the Congress of the United States. Judge Cornelius Hedges was a distinguished and highly esteemed member of the Montana bar. Samuel T. Hauser was a civil engineer, and was president of the First National Bank of Helena. He was afterwards appointed governor of Montana by Grover Cleveland. Warren C. Gillette and Benjamin Stickney were pioneer merchants in Montana. Walter Trumbull was assistant assessor of internal revenue, and a son of United States Senator Lyman Trumbull of Illinois. Truman C. Everts was assessor of internal revenue for Montana, and Nathaniel P. Langford had been for nearly five years the United States collector of internal revenue for Montana, and had been appointed governor of Montana by Andrew Johnson, but, owing to the imbroglio of the Senate with Johnson, his appointment was not confirmed.

At the very last moment, James Stuart, one of the prime movers in the exploration, was drawn for jury service in the federal court and prevented from going. Stuart was a man of



unusual force and decision of character, a splendid mountaineer and explorer, versed in all the trickery of the Indian, and he had been counted upon as the leader of the party. His failure to go with them was a distinct loss and a keen disappointment to all.

General Washburn was chosen as leader and the party left Helena on August 17, 1870.

At Fort Ellis, near Bozeman, through a previous arrangement made by Washburn and Langford with General Hancock in command of the military department, a small cavalry escort of one sergeant and four privates was procured. This escort was, as previously stated, under command of Lieut. G. C. Doane, a man of supreme attainments for his task. Because of that fact and the ability and fidelity with which he performed his mission, his name has become so indelibly linked with the expedition that it is now very generally known as the Washburn-Doane Party or Expedition.

When the party finally broke clear from civilization and boldly launched forth into an almost unknown wilderness, it consisted, in its entirety, of nineteen persons. Of this large number four alone kept journals of what was destined to become a historic exploration. These were General Washburn, Lieutenant Doane, Judge Hedges, and Mr. Langford.

The diary of General Washburn was very concise, dealing but meagerly with the details of the trip. That of Lieutenant Doane was very full and complete and was published by the government. It deservedly ranks as a classic in descriptive literature, and will endure as long as the park itself does. Judge Hedges' journal was much longer and more detailed than was that of Washburn, but it was not as exhaustive as that of Doane. It was written for the private use of Judge Hedges alone, and not with the least expectation of its publication; but it was, fortunately, finally printed in 1904 in Volume V of "Contributions to the Historical Society of Montana." The diary of Mr. Langford was by far the most complete record history of the exploration, from every point of view, and like Doane's report it was a masterpiece of descriptive narrative. It was published by Mr. Langford in the year 1905, in a book of 122 pages, with many portraits and other illustrations, and with an introduc-



tion of 32 pages. This book, entitled "Diary of the Washburn Expedition to the Yellowstone and Firehole Rivers in the Year 1870," should form a part of the library of every man who has any interest in the physical grandeur of his country.

If to any single member of the party could be accorded the name of diarist or historian of the exploration, the honor would unquestionably fall to our late friend and associate. The three journals of Langford, Doane, and Hedges, form an imperishable trinity of descriptive literature and history of the exploration and establishment of the first National Park by the general government.

Of the ten principal members of the party, seven are now dead, those now surviving being Ex-Governor Hauser, Mr. Gillette, and Mr. Stickney. General Washburn was the first, and Mr. Langford the last one to pass away. Mr. Hauser and Mr. Gillette still reside in Montana; Mr. Stickney is living in Florida.

I have conversed innumerable times with Mr. Langford, and I also interviewed Judge Hedges several times, regarding this exploration. These conversations forcibly impressed me with the modesty and fairness of both these men regarding the part each member of the party played in the conduct of the expedition. There was not the slightest attempt at self laudation on the one hand, nor of dispraise of any other member on the other hand. I long since came to the conclusion that in its personnel this exploring party was highly favored by Providence. The individuals composing it were congenial, high minded gentlemen, who worked together harmoniously and without one serious, violent outbreak or altercation, so far as I have ever ascertained, although at times all were sorely tried. Under the circumstances, as I know from similar personal experience, this is a most creditable record, which, I think, may fairly be called remarkable.

After leaving Bozeman and Fort Ellis, the trail traveled led the party across the Belt range of mountains, about ten or twelve miles south of where Captain Clark, of the Lewis and Clark expedition, crossed them in 1806. The pass that Clark used is the one by which the Northern Pacific railway now crosses the range, known as Bozeman pass, in honor of John M.

Bozeman, an early Montana pioneer and a contemporary of Bridger. After crossing the divide, the trail followed down Trail creek into the valley of the Yellowstone. They continued up the west side of the beautiful valley of that stream to where Gardiner, the official entrance to the park, now is situated at the mouth of Gardiner river, where they made one of their camps. Thence they followed an Indian trail parallel to the Yellowstone river to the Grand Canyon and Yellowstone lake. Before reaching the lake, they crossed to the east side of the Yellowstone at the ford near Mud Volcano, the same ford which Chief Joseph used when escaping from General Howard in 1878. They circled the east and south sides of Yellowstone lake, and then struck across the continental divide to the Firehole branch of the Madison river, which they followed through the Upper and Lower Geyser Basins back to the Montana settlements. The Madison river trail is also the one by which Chief Joseph and General Howard entered the confines of the park during their memorable retreat and pursuit.

That the fears of the party regarding the danger from roving bands of Indians were not unfounded, was proved at the very outset of the journey. Immediately upon descending into the valley of the Yellowstone, Crow Indians were discovered in considerable number. The lodge-pole trail of the Crows was followed for several days, and their smoke signals were seen on the hills. Great vigilance was, naturally, exercised both day and night, but no actual encounter occurred. The size of the party undoubtedly proved its safety. At Tower Fall the Indians crossed to the east side of the Yellowstone river, and although guards continued to be stationed at night no more Indians were seen.

Upon leaving Helena the expedition had laid in a supply of provisions for thirty days. It was thirty-eight days after leaving that city before Mr. Langford, the first one of the party to re-enter it, again saw it. While still detained around Yellowstone lake, their staple provisions, sugar, coffee, flour, etc., ran perilously low, and they were put upon short rations. Before reaching the geyser basins, they were able to provide themselves quite plentifully with venison, grouse, and antelope. Trout were abundant at all times, so much so that while en-

camped at the lake, as a measure of precaution they caught and dried several hundred pounds to supplement their impoverished larder.

In a company where practically all were equals, were men of enduring qualities, and who bore themselves in true, manly fashion, invidious distinctions are not easily possible nor desirable. It may be said, however, that a reading of the journals will show that Mr. Langford was easily one of the leading figures in the exploration. Strong, physically and mentally, capable of advising wisely and enduring great labor and hardship, naturally industrious and not given to shirking his share of responsibility, of a temper that could withstand severe strains upon its equanimity, he was admirably fitted for leadership in an enterprise such as this. While General Washburn was the titular leader and as such filled the position in a manner beyond criticism, there was a rare and beautiful goodfellowship existing and several others, including particularly Mr. Langford, virtually shared the honors of leadership with General Washburn.

It must be remembered that this region was, in all seriousness, a terra incognita to every one of these explorers, and they were following a very blind wilderness trail. The objective point of the expedition was Yellowstone lake, a large body of water known to be at a very high altitude somewhere among the labyrinths of the mountains. Upon arriving at what is now Tower Fall, nothing had been seen of such a body of water from any of the elevations ascended, and some of the party were becoming much concerned as to their own whereabouts. While encamped at the fall, General Washburn one day ascended a high, sloping mountain to the south, and from its wind-swept, rounded summit, to which a finely engineered carriage road now winds, he descried the beautiful lake, the object of their quest, reposing in its mountain basin "twenty miles away." This was a most cheering discovery, and, despite a recently formed resolution not to affix the name of any member of the party to any object of interest discovered, so rejoiced were they all at the tidings of General Washburn, that the peak was spontaneously and unanimously named Mt. Washburn, and as such it is known today.

General Washburn (and also others of the party in fact) was more or less broken by the hardships suffered on this trip, and he died on January 26, 1871, following the return of the explorers to civilization. As showing the beautiful harmony that prevailed in the party and the esteem in which General Washburn was held by them, I quote from a memorial address by Mr. Hedges in Helena on January 29, 1871:

On the west bank of the Yellowstone . . . . a mighty sentinel, overlooking that region of wonders, rises in its serene and solitary grandeur,—Mount Washburn,—pointing the way his enfranchised spirit was soon to soar. He was the first to climb its bare, bald summit, and thence reported to us the welcome news that he saw the beautiful lake that had been the proposed object of our journey. By unanimous voice, unsolicited by him, we gave the mountain a name that through coming years shall bear onward the memory of our gallant, generous leader. How little we then thought that he would be the first to live only in memory.

At the Grand Canyon the explorers camped on Cascade creek near Crystal fall, both so aptly named by Mr. Hedges. They were most profoundly impressed, as thousands have been since, by the majesty, beauty, and grandeur of their surroundings.

As indicating the impressions made upon Mr. Langford, individually, and to show the dignity, power, and literary style of his narrative, I give two or three excerpts from his journal descriptive of the Grand Canyon and the falls. Under date of August 31, he wrote:

This has been a "red-letter" day with me, and one which I shall not soon forget, for my mind is clogged and my memory confused by what I have today seen. General Washburn and Mr. Hedges are sitting near me, writing, and we have an understanding that we will compare our notes when finished. We are all overwhelmed with astonishment and wonder at what we have seen, and we feel that we have been near the very presence of the Almighty. General Washburn has just quoted from the psalm:

"When I behold the work of Thy hands, what is man that Thou art mindful of him?"

My own mind is so confused that I hardly know where to commence in making a clear record of what is at this moment floating past my mental vision. I cannot confine myself to a bare description of the falls of the Yellowstone alone, for these two great cataracts are but one feature in a scene composed of so many of the elements of grand-



eur and sublimity, that I almost despair of giving to those who on our return home will listen to a recital of our adventures, the faintest conception of it. The immense canyon or gorge of rocks through which the river descends, perhaps more than the falls, is calculated to fill the observer with feelings of mingled awe and terror. . . . The stillness is horrible, and the solemn grandeur of the scene surpasses conception. You feel the absence of sound—the oppression of absolute silence. Down, down, down, you see the river attenuated to a thread. If you could only hear that gurgling river, lashing with puny strength the massive walls that imprison it and hold it in their dismal shadow, if you could but see a living thing in the depth beneath you, if a bird would but fly past you, if the wind would move any object in that awful chasm, to break for a moment the solemn silence which reigns there, it would relieve that tension of the nerves which the scene has excited, and with a grateful heart you would thank God that he had permitted you to gaze unharmed upon this majestic display of his handiwork. But as it is, the spirit of man sympathizes with the deep gloom of the scene, and the brain reels as you gaze into this profound and solemn solitude.

. . . . As I took in this scene, I realized my own littleness, my helplessness, my dread exposure to destruction, my inability to cope with or even comprehend the mighty architecture of nature. More than all this I felt as never before my entire dependence upon that Almighty Power who had wrought these wonders.

Of the two glorious cataracts at the head of the canyon he wrote, in part:

The two grand falls of the Yellowstone form a fitting completion to this stupendous climax of wonders. They impart life, power, light and majesty to an assemblage of elements, which without them would be the most gloomy and horrible solitude in nature. Their eternal anthem, echoing from canyon, mountain, rock and woodland, thrills you with delight, and you gaze with rapture at the iris-crowned curtains of fleecy foam as they plunge into gulfs enveloped in mist and spray. The stillness which held your senses spell-bound, as you peered into the dismal depths of the canyon below, is now broken by the uproar of waters; the terror it inspired is superseded by admiration and astonishment, and the scene, late so painful from its silence and gloom, is now animate with joy and revelry.

The first camp at Yellowstone lake was on the north shore about two miles east of the outlet. Here we find Mr. Langford successfully assuming a new role, one that exhibited not only his versatility, but proved his value in emergencies. During the entire exploration thus far, Lieutenant Doane had suffered agonies from an obstinate felon. His sufferings had become so



acute and even exruciating that relief must, in some way, be afforded, and we will let *Dr. Langford* tell the story of what followed:

Last evening Lieutenant Doane's sufferings were so intense that General Washburn and I insisted that he submit to an operation, and have the felon opened, and he consented provided I would administer chloroform. Preparations were accordingly made after supper. A box containing army cartridges was improvised as an operating table, and I engaged Mr. Bean, one of our packers, and Mr. Hedges as assistant surgeons. Hedges was to take his position at Doane's elbow, and was to watch my motion as I thrust in the knife blade, and hold the elbow and fore-arm firmly to prevent any involuntary drawing back of the arm by Lieutenant Doane, at the critical moment. When Doane was told that we were ready, he asked, "Where is the chloroform?" I replied that I had never administered it, and that after thinking the matter over I was afraid to assume the responsibility of giving it. He swallowed his disappointment, and turned his thumb over on the cartridge box, with the nail down. Hedges and Bean were on hand to steady the arm, and before one could say "Jack Robinson," I had inserted the point of my penknife, thrusting it down to the bone, and had ripped it out to the end of the thumb. Doane gave one shriek as the released corruption flew out in all directions upon surgeon and assistants, and then with a broad smile on his face he exclaimed, "That was elegant!" We then applied a poultice of bread and water, which we renewed a half hour later, and Doane at about eight o'clock last night dropped off into a seemingly peaceful sleep, which has been continuous up to the time of this writing, two o'clock p. m.

Lieutenant Doane had been nine days and nights without sleep, and he now slept continuously for thirty-six hours.

While encamped on the eastern shore of the lake, Lieutenant Doane and Mr. Langford climbed, with great exertion and difficulty, a high mountain close at hand and bordering the lake, in order to gain some idea of the country and to lay out a route for the future. They were four hours in reaching the summit, and while there Mr. Langford made a rough but very correct outline map of the lake. This was the first map ever drawn that gave anything like a correct representation of the peculiar shape and shore line of this body of water. It was used by General Washburn, as Surveyor General, as the copy, or model, for a map for the Interior Department at Washington, in whose archives, presumably, it still reposes.

As an appropriate recognition of the services of Mr. Langford and Lieutenant Doane in making this laborious ascent and the map, General Washburn, with the hearty concurrence of his associates, named the peak they climbed, Mt. Langford, and the mountain just north of it, Mt. Doane. The one they ascended was, Mr. Langford states, "the most westerly peak" of the range, and it commanded a very extensive view. Doane pronounced it "the highest peak of the east range," that is, of the range on the eastern side of the lake.

In 1871 Dr. F. V. Hayden and his government survey visited the region, impelled thereto by the Washburn-Doane exploration of 1870, and his parties explored and mapped it. With an apparent total disregard for the facts, as stated, that seems utterly unjustifiable, he ignored the name Mt. Langford as applied to this peak, and gave it to a mountain far removed from this locality. Later, for some reason, apparently at least publicly unknown, but possibly by Hayden, the name was again changed to a peak near the original Mt. Langford, to which mountain Hayden, presumably, gave the name Stevenson, after James Stevenson, a member of his own party, who may or may not have climbed it. The propriety and significance of applying the name Langford to the peak that Doane and Langford ascended, and from which they sketched the first map of the locality that, rough as it was, bore any semblance to accuracy, calls for no argument. As the matter now stands, the name carries little or no significance. Apparently, Dr. Hayden inexcusably ignored the prior and just rights of a previous brother explorer, endeavoring later, possibly, to make amends for it by bringing the name back to that locality.

I suggest that, as these three peaks, Stevenson, Langford, and Doane, as now named, are very near together, it would not be difficult even now wholly to rectify this injustice and properly and sensibly to readjust these names. A determined effort by the Minnesota Historical Society, in conjunction with the Montana Historical Society and perhaps other appropriate organizations, could probably accomplish this object. And what a graceful and appropriate action and tribute it would be if these societies, to which Mr. Langford was so closely related, could accomplish this result!

While, one day, the expedition was making its way with greatest difficulty through the tangled mass of brush and fallen timber that encumbered the route, Mr. Langford's keen sense of the ludicrous saved a rather serious situation and changed the entire aspect of affairs.

Those of us who have endeavored to work a pack train through almost impassable obstacles of this sort, know how it tries men's souls. On this particular occasion patience as well as physical strength had become exhausted, the tempers of all were strained to the breaking point, and an ugly spirit predominated. At the opportune time, or as I ought now to say, I suppose, the psychological moment, Mr. Langford, in a highly affected and mock heroic style, recited these beautiful lines from Byron, found in *Childe Harold's Pilgrimage*:

"There is a pleasure in the pathless woods;  
There is a rapture on the lonely shore;  
There is society, where none intrudes,  
By the deep sea, and music in its roar:  
I love not man the less, but Nature more."

The effect of this pompous style of declamation, amid such doleful and lugubrious surroundings, was instantaneous and may easily be imagined. All burst into unrestrained laughter, the tension was quickly relaxed, the atmosphere was cleared, and anger and sullenness gave way to good feeling and congeniality.

All mountaineers and explorers know well that there is nothing in the world that so tries a man's patience and develops, on the one hand, the mean, selfish, ignoble attributes, or, on the other hand, the noble and unselfish qualities in a man,—in a word, nothing that so quickly and unfailingly brings to the surface the real nature of an individual—as do the trials and difficulties inseparable from just such a journey as the one in which the Washburn-Doane party were engaged. Their progress around Yellowstone lake was peculiarly aggravating and nerve-trying. An excerpt from Mr. Langford's diary at this time not only emphasizes this fact, but reveals most admirably the sterling character, the rugged honesty, the sound philosophy, the innate sweetness and nobility of spirit of the man himself. He records:

I growled at Hauser and scolded him a little in camp tonight because of some exasperating action of his. I here record the fact without going into details. I think that I must try to be more patient. But I am feeling somewhat the fatigue of our journey. However, there is something to be said on the other hand, and that is that there is no one of the party better able to bear its labors and anxieties than I, and therefore I should be the last man to lose my patience.

I know of nothing that can try one's patience more than a trip of any considerable length by wagon train or pack train through an uninhabited region, and the most amiable of our race cannot pass this ordeal entirely unscathed. Persons who are not blessed with uncommon equanimity never get through such a journey without frequent explosions of temper, and seldom without violence. Even education, gentle training and the sharpest of mental discipline, do not always so effectually subdue the passions that they may not be aroused into unwonted fury during a long journey through a country filled with obstructions. Philosophy has never found a fitter subject for its exercise than that afforded by the journey we are now making, which obliges the members of our party to strive to relieve each other's burdens.

In order that an erroneous impression of Governor Hauser may not be conveyed by this quotation, I submit one more written at about the same time, referring to an intensely practical joke played on him by Mr. Langford and Judge Hedges during a night on which they stood guard.

Mr. Hauser . . . . . had expected to have a dainty breakfast, but he is himself too fond of a practical joke to express any disappointment, and no one in the party is more unconcerned at the outcome than he. He is a philosopher, and, as I know from eight years' association with him, does not worry over the evils which he can remedy, nor those which he cannot remedy. There can be found no better man than he for such a trip as we are making.

Another excerpt will convey a vivid impression of what those of us who have enjoyed the luxury of travel with pack trains, have experienced on trails grievously obstructed by down timber. This experience was also among the mountains bordering Yellowstone lake.

We broke camp this morning with the pack train at 10 o'clock, traveling in a westerly course for about two miles, when we gradually veered around to a nearly easterly direction, through fallen timber almost impassable in the estimation of pilgrims, and indeed pretty severe on our pack horses, for there was no trail, and, while our saddle horses with their riders could manage to force their way through



between the trees, the packs on the pack animals would frequently strike the trees, holding the animals fast or compelling them to seek some other passage. Frequently, we were obliged to re-arrange the packs and narrow them, so as to admit of their passage between the standing trees. At one point the pack animals became separated, and with the riding animals of a portion of the party were confronted with a prostrate trunk of a huge tree, about four feet in diameter, around which it was impossible to pass because of the obstructions of fallen timber. Yet pass it we must; and the animals, one after another, were brought up to the log, their breasts touching it, when Williamson and I, the two strongest men of the party, on either side of an animal, stooped down, and, placing each a shoulder back of a fore leg of a horse, rose to an erect position, while others of the party placed his fore feet over the log, which he was thus enabled to scale. In this way we lifted fifteen or twenty of our animals over the log.

Friday, September 9, 1870, was a day and date seared upon the minds and memories of every member of the expedition. It was the same day on which occurred the "horse lifting" incident just recorded.

After a day of soul-trying and exhausting experiences in the fallen timber lodged on the hillsides, they camped that afternoon on the western, the Pacific, slope of the Continental Divide. The tremendous obstacles to their progress may be judged from the fact that their camp, on a small affluent stream of the Snake river, was but three miles from their last camp, and the circuitous distance traveled was but six miles.

These words, from Mr. Langford's journal, "Mr. Everts has not yet come into camp, and we fear that he is lost," prefigure an experience in that gentleman's life that contained all the elements of an awful tragedy. That, at the last moment, it was saved from becoming a complete and lamentable tragedy, is it too much to say, was owing to the ever watchful and loving care of a Divine Providence that so often guides our footsteps? Some may question this, many will firmly believe it to be the only possible solution.

Mr. Everts was, indeed, lost! In the absence of any real, defined trail in the tangled timber, he with the others was continually winding hither and thither seeking a route that would lead them onward. In some manner while thus engaged he became confused and separated from his comrades, and his absence was not noted until camp was made.



Mr. Everts was not seen again for thirty-seven days, when he was found by two mountaineers on the summit of a mountain in the neighborhood of Yancey's, west of that point and north of Mt. Washburn. These mountain men were sent in search of Everts by the Washburn-Doane explorers after their return to civilization. Everts, when found, was entirely exhausted and partially deranged through starvation, exposure, and suffering. On the very first day of his absence, his horse, left standing and unfastened, with all the man's arms and camp equipments attached, became frightened and ran away and was never afterward seen. Everts was near-sighted, had not even a knife for use or defense, and only a field-glass to assist him in escaping. He at first managed to reach Heart lake, one of the sources of Snake river. Here he remained for twelve days, sleeping close by the hot springs to keep from freezing. His food was thistle roots, boiled in the springs. One night he was forced into a tree by a mountain lion and kept there all night. Finally he bethought himself of the lenses of his field-glasses, and thus was enabled to kindle fires. He wandered all along the western side of the lake and down the Yellowstone river to where he was providentially found. He gave the story of his terrible experience in the old Scribner's Magazine, since become the Century Magazine, and a thrilling tale it makes.

In a country filled with a network of streams, abundantly supplied with animal life for food, gorged with timber for fuel, the man nearly froze, and starved, and almost perished from thirst. Twice he was five days without food, and once three days without water. It was late in the season, and the storms swept down on him and chilled him to the bone; the snows kept him prisoner in camp, or when on his painful marches blocked his progress. He became weaker and weaker. For several days toward the end of his wanderings, a large mountain lion followed his trail to feast on him when he should at last drop exhausted. When it finally seemed as if hope must be given up, and life also, he was providentially found, and was carefully nursed back to health. His escape borders on the miraculous. The large plateau, known as Mt. Everts, just east of Mammoth Hot Springs, was named for Everts on the mistaken assumption that he was found on its summit.

The journal for September 11 relates a not infrequent but always startling experience:

We were roused this morning about 2 o'clock by the shrill howl of a mountain lion, and again while we were at breakfast we heard another yell. As we stood around our camp-fire tonight, our ears were saluted with a shriek so terribly human, that for a moment we believed it to be a call from Mr. Everts, and we hallooed in response, and several of our party started in the direction whence the sounds came, and would have instituted a search for our comrade but for an admonitory growl of a mountain lion.

One who has ever heard the peculiar, childlike cry of one of these beasts, will never forget it, nor the terrifying effect it instinctively produces. Fortunately for those who in these days now and then break away from the established routes of travel in the park and penetrate the remoter and untraveled wilds by horseback and pack train, there are few of these animals now found there. The government has strenuously hunted them down to prevent their preying on the elk, antelopes, and deer, which are steadily increasing.

From September 11 to 16 the party remained at their camp on the southwest arm of the lake. The utmost anxiety prevailed regarding Mr. Everts. By twos, following the old scriptural injunction, they went forth day by day in all directions, searching for the unfortunate wanderer, but not the slightest trace of him or his horse was ever found by them.

The solicitude regarding Everts, and one reason for it, are thus voiced:

I had a good nap this afternoon . . . . . and I feel greatly refreshed. My first thought on awakening was for poor Everts. I wonder where he can be throughout all this fierce storm and deep snow? Perhaps the snow did not reach him, for I noticed tonight that the ground was quite bare on the opposite side of this arm of the lake, while the snow is eight or ten inches deep here at our camp. . . . . Each night that we have been camped here we have heard the shrill cries of the mountain lions, and under a momentary illusion I have each time been half convinced that it was a human being in distress. Because of the mountain lions we are keeping close watch upon our horses. They are very fond of horse flesh, and oftentimes will follow a horseman a long distance, more to make a meal upon the flesh of the horse than for the purpose of attacking the rider.

One, at least, of these explorers was not so beset by the manifold cares and anxieties, the labors and fatigues that encompassed them, as not to foresee in his mind's eye with remarkably clear and unclouded vision, the real purport and ultimate importance of the exploration to which they had so unreservedly given themselves. This is evidenced by this excerpt from the diary of September 14, written at their next to the last camp on the lake, the one from which they conducted the search for Everts. It also draws a picture of some features of their camp life that is interesting.

We have remained in camp all day, as it is next to impossible to move. The snow is nearly two feet deep, and is very wet and heavy, and our horses are pawing in it for forage. Our large army tent is doing us good service, and, as there is an abundance of dry wood close by our camp, we are extremely comfortable. I am the only one of the party who has a pair of water-proof boots, and I was up and out of the tent this morning before daylight cutting into cordwood a pine log, and before noon I had more than a half cord at the tent door. Washburn and Hauser offered to do some of this work if I would loan them my water-proof boots; but, as they are of a full size for me, and would probably drop off of their feet, I told them that I would get the wood.

Lieutenant Doane today requested me to loan him this diary from which to write up his records, as the condition of his thumb has interfered with his use of a pen or pencil. I have accordingly loaned it to him, and Private Moore has been busy the greater part of the day copying portions of it.

For myself, I am very glad to have a day of rest, for I have felt much wearied for several days. I think that I am certainly within bounds when I say that I have put in sixteen hours a day of pretty hard work, attending to camp duties, and writing each day till late at night, and I realize that this journal of travel is becoming ponderous. Yet there is daily crowded upon my vision so much of novelty and wonder, which should be brought to the notice of the world, and which, so far as my individual effort is concerned, will be lost to it if I do not record the incidents of each day's travel, that I am determined to make my journal as full as possible, and to purposely omit no details. It is a lifetime opportunity for publishing to all who may be interested, a complete record of the discoveries of an expedition which in coming time will rank among the first and most important of American explorations.

That Mr. Langford was able at this time to pen the preceding statement concerning the importance of the exploration and its discoveries, exhibited a prescience and an accuracy in

judging results, that are very surprising. It must be borne in mind that the party did not at any time see or know of Mammoth Hot Springs and its beautiful terraces, the Golden Gate, the canyon and fall of the Middle Gardiner river, Obsidian Cliff, Norris Geyser Basin, Gibbon fall and canyon, and other remarkable objects, which now so delight thousands annually. Neither had they at this time seen a single geyser, that particular class of phenomena that renders the region so unique and distinguishes it, more than any other, from other wonder spots of the globe. Nevertheless the instinct was unerring and the prognostication a true one.

The last camp in the Yellowstone Lake region was made at the West Arm or Thumb, as it is also termed, where the lunch station on the lake is now located. It was on open ground, and the relief at emerging from the gloom and intricacies of the forest was inexpressible. Mr. Langford, from the depths of that tenacious memory that we all knew so well, recited to Hauser and Washburn the following lines from "The Task," by Cowper, as "at once expressive of our experience in the journey around the lake and of our present relief."

"As one who long in thickets and in brakes  
Entangled, winds now this way and now that,  
His devious course uncertain, seeking home;  
Or having long in miry ways been foiled  
And sore discomfited, from slough to slough  
Plunging, and half despairing of escape;  
If chance at length he finds a greensward smooth  
And faithful to the foot, his spirits rise,  
He chirrups brisk his ear-erecting steed,  
And winds his way with pleasure and with ease."

On September 17 they resumed their forward journey. So keen was their continued anxiety regarding Everts, however, that Mr. Gillette with two of the private soldiers was left behind the main party, and, with ten days' rations, these resumed the search for that unfortunate man. They were to return home by whatsoever route they chose.

Striking out again into the unknown with Mr. Hauser, a civil engineer of much experience, as topographer in chief, the main body crossed the Continental Divide, which at this point doubles back upon itself, twice, as the tourist of today



does, camping that night on a small tributary creek of the Firehole river, and once more on the Atlantic slope. It was a camp of very tired men, who for the most part were greatly depressed. Upon crossing the Continental Divide the first time, they saw a large lake lying to the south. This occasioned a great deal of discussion, not alone as to what body of water it could be, but as to their whereabouts. With the exception of Hauser and Langford, all seemed sure that the lake was the source of the Firehole river. These two insisted that it was the source of the Snake river, and that the Firehole yet lay ahead of them, beyond the second crossing of the Divide, in which conjecture they were correct.

The lake was Shoshone lake, and from Shoshone Point the tourists of today catch a glimpse of it and overlook, beneath them, the heavily timbered low country across which the Washburn party struggled forward to the final crossing of the Continental Divide.

And here let me digress for a brief moment. One of the conspicuous sights from Shoshone Point is the long distance view obtained, some fifty miles to the south, of the Three Teton, or the Pilot Knobs, the name by which they were formerly known. These peaks are stern, rugged, and old-time landmarks. The principal and highest one, the Grand Teton, was first ascended to its extreme height, in 1872, by Nathaniel P. Langford and James Stevenson, the latter being of the Hayden survey.

Scribner's Magazine for June, 1873, published an account of this ascent, written by Mr. Langford. Not until 1898 was the summit of this peak again reached.

On September 18, the anxieties of the explorers as to their location were quickly set at rest, for within three miles after breaking camp they reached the Firehole river not far above Kepler cascade, and soon thereafter found themselves in the wonderful Upper Geyser Basin, the very heart of geyser land.

To say that they were delighted, astonished, mystified, awed, by what they saw here and in going to and through the Midway and Lower Geyser Basins, a distance of about twelve miles, is merely to state what all know could not have been otherwise. Mr. Langford's journal at this point exhibits an



almost boyish exuberance and enthusiasm at the magnitude and strange nature of the phenomena discovered by them. One excerpt will suffice:

Near by is situated the "Giantess," the largest of all the geysers we saw in eruption. Ascending a gentle slope for a distance of sixty yards we came to a sink or well of an irregular oval shape, fifteen by twenty feet across, into which we could see to the depth of fifty feet or more, but could discover no water, though we could distinctly hear it gurgling and boiling at a fearful rate afar down this vertical cavern. Suddenly it commenced spluttering and rising with incredible rapidity, causing a general stampede among our company, who all moved around to the windward side of the geyser. When the water had risen within about twenty-five feet of the surface, it became stationary, and we returned to look down upon the foaming water, which occasionally emitted hot jets nearly to the mouth of the orifice. As if tired of this sport the water began to ascend at the rate of five feet in a second, and when near the top it was expelled with terrific momentum in a column the full size of the immense aperture to a height of sixty feet. The column remained at this height for the space of about a minute, when from the apex of this vast aqueous mass five lesser jets or round columns of water varying in size from six to fifteen inches in diameter shot up into the atmosphere to the amazing height of two hundred and fifty feet. This was without exception the most magnificent phenomenon I ever beheld. We were standing on the side of the geyser exposed to the sun, whose sparkling rays filled the ponderous column with what appeared to be the clippings of a thousand rainbows. These prismatic illusions disappeared, only to be succeeded by myriads of others which continually fluttered and sparkled through the spray during the twenty minutes the eruption lasted. These lesser jets, thrown so much higher than the main column and shooting through it, doubtless proceed from auxiliary pipes leading into the principal orifice near the bottom, where the explosive force is greater. The minute globules into which the spent column was diffused when falling sparkled like a shower of diamonds, and around every shadow produced by the column of steam hiding the sun was the halo so often represented in paintings as encircling the head of the Savior. We unhesitatingly agreed that this was the greatest wonder of our trip.

The party were more than fortunate in what they here saw. The mysterious, mystical spirits of the geyser world, seemingly forewarned in some secret manner, appear to have made special efforts to arrange an elaborate program of welcome and exhibition for them. In a stay of but twenty-two hours they saw twelve geysers in action, six of them among the very finest in the basin, including Old Faithful, Bee Hive, the Giant, and

Castle. If any party ever deserved such a *multum in parvo* reception and display, it was this one.

On the night of September 19, the explorers camped at the junction of the Firehole and Gibbon rivers. The bivouac at that spot has made it historic, for there the idea of establishing a National Park bloomed and blossomed forth in full flower and became a practical one. General H. M. Chittenden, retired, when Engineer in Charge of road construction, etc., in the park, very properly placed a large tablet at this point to commemorate that truth. To a high hill or salient at this point has also been given the name National Park Mountain.

The facts in regard to the origin of this idea and its final realization in the establishment of Yellowstone Park are not only of interest but of value historically. The story forms an important part of the one I am endeavoring to relate, for no man loomed more prominently in it than N. P. Langford. As one of its original promoters let Mr. Langford be also, at least in part, its historian. In his journal for September 20, he wrote:

Last night, and also this morning in camp, the entire party had a rather unusual discussion. The proposition was made by some member that we utilize the result of our exploration by taking up quarter sections of land at the most prominent points of interest, and a general discussion followed. One member of our party suggested that if there could be secured by pre-emption a good title to two or three quarter sections of land opposite the Lower Fall of the Yellowstone and extending down the river along the canyon, they would eventually become a source of great profit to the owners. Another member of the party thought that it would be more desirable to take up a quarter section of land at the Upper Geyser Basin, for the reason that that locality could be more easily reached by tourists and pleasure seekers. A third suggestion was that each member of the party pre-empt a claim, and in order that no one should have an advantage over the other, the whole should be thrown into a common pool for the benefit of the entire party. [Here Mr. Langford and the others appear to have formulated the original idea of a "trust" or "holding company," so popular in these latter days.]

Mr. Hedges then said he did not approve of any of these plans—that there ought to be no private ownership of any portion of that region, but that the whole of it ought to be set apart as a great National Park, and that each one of us ought to make an effort to have this accomplished. His suggestion met with an instantaneous and favorable response from all—except one—of the members of our party, and each hour since the matter was first broached, our enthusiasm has

increased. It has been the main theme of our conversation today as we journeyed. I lay awake half of last night thinking about it;—and if my wakefulness deprived my bed-fellow (Hedges) of any sleep, he has only himself and his disturbing National Park proposition to answer for it.

Our purpose to create a park can only be accomplished by untiring work and concerted action in a warfare against the incredulity and unbelief of our National legislators when our proposal shall be presented for their approval. Nevertheless, I believe we can win the battle.

I do not know of any portion of our country where a national park can be established, furnishing to visitors more wonderful attractions than here. These wonders are so different from anything we have ever seen—they are so various, so extensive—that the feeling in my mind from the moment they began to appear until we left them has been one of intense surprise and of incredulity. Every day spent in surveying them has revealed to me some new beauty, and now that I have left them, I begin to feel a skepticism which clothes them in a memory clouded by doubt.

Again, in further elucidation of what transpired, he wrote:

The question is frequently asked, "Who originated the plan of setting apart this region as a National Park?" I answer that Judge Cornelius Hedges of Helena wrote the first articles ever published by the press, urging the dedication of this region as a park. The Helena Herald of Nov. 9, 1870, contains a letter of Mr. Hedges, in which he advocated the scheme, and in my lectures delivered in Washington and New York in January, 1871, I directed attention to Mr. Hedges' suggestion, and urged the passage by Congress of an act setting apart that region as a public park. All this was several months prior to the first exploration by the U. S. Geological Survey, in charge of Dr. Hayden. The suggestion that the region should be made into a National Park was first broached to the members of our party on September 19, 1870, by Mr. Hedges, while we were in camp at the confluence of the Firehole and Gibbon rivers, as is related in this diary. After the return home of our party, I was informed by General Washburn that on the eve of the departure of our expedition from Helena, David E. Folsom had suggested to him the desirability of creating a park at the grand canyon and falls of the Yellowstone. This fact was unknown to Mr. Hedges,—and the boundary lines of the proposed park were extended by him so as to be commensurate with the wider range of our explorations.

General Washburn's statement shows beyond question that the man who first gave expression to the idea in any tangible, practical form, was David E. Folsom, already mentioned as hav-

ing visited the region in 1869. Judge Hedges knew nothing of this at the time he advanced the suggestion and it was, of course, also original with him, and his proposition embodied a conception much broader than that of Mr. Folsom.

Fortunate it was that the members of the party so promptly, unselfishly, and warmly accepted the suggestion of Mr. Hedges and at once planned to give it practical effect.

In November, 1870, Mr. Langford went east to lecture upon the marvelous discoveries of the Washburn party. On the evening of January 19, 1871, he delivered his lecture in Washington, D. C., and on the evening of January 21 at Cooper Institute, New York City. At his Washington lecture Speaker James G. Blaine presided, and Dr. F. V. Hayden was one of the audience. In each of these lectures Langford advocated the setting aside of the region as a national park.

In the Encyclopedia Britannica, under the heading "Yellowstone National Park," Mr. Henry Gannett, the well known geographer, states that the discoveries made by the Washburn party "induced Dr. F. V. Hayden, then in charge of a Government survey, to turn his explorations in this [i. e. the Yellowstone region] direction."

Dr. Hayden did, in 1871, as already stated, and again in 1872, thoroughly explore and map the park country. Mr. Gannett was one of his topographers in this work.

In 1872 the act establishing the park was passed. This act was included in Hayden's report of his expedition of 1871 printed in 1872, but neither in this nor in the report of the succeeding year does there seem to be any intimation regarding who first suggested this idea. For the year 1878, Dr. Hayden made another and more elaborate report, prefaced by a letter to the Secretary of the Interior, written in 1883, in which are found these words: "So far as is now known, the idea of setting apart a large tract about the sources of the Yellowstone River as a national park, originated with the writer."

I do not believe that Dr. Hayden willfully intended to make a misstatement in this connection, but I do believe that a faulty memory caused him to misstate the actual fact. Dr. Lyman B. Sperry, the well known public lecturer and educator, informed me years ago, that Dr. Hayden told him that during the field



season of 1871, when the idea of making a park of the Yellowstone region was advocated among his own men, following of course Langford's suggestion in his lectures, he did not believe it practicable nor wise.

General H. M. Chittenden, in his fine and very conscientious work, "The Yellowstone National Park," published in 1895, treats this matter thus:

The bill, being thus before Congress, was put through mainly by the efforts of three men, Dr. F. V. Hayden, N. P. Langford, and Delegate William H. Clagett. Dr. Hayden occupied a commanding position in this work, as representative of the government in the explorations of 1871. He was thoroughly familiar with the subject, and was equipped with an exhaustive collection of photographs and specimens gathered the previous summer. These were placed on exhibition, and were probably seen by all members of Congress. They did a work which no other agency could do, and doubtless convinced every one who saw them that the region where such wonders existed should be carefully preserved to the people forever. Dr. Hayden gave to the cause the energy of a genuine enthusiasm, and his work that winter will always hold a prominent place in the history of the Park.

Mr. Langford, as already stated, had publicly advocated the measure in the previous winter. He had rendered service of the utmost importance, through his publications in *Scribner's Magazine* in the preceding May and June. Four hundred copies of these magazines were brought and placed upon the desks of members of Congress on the days when the measure was to be brought to vote. During the entire winter, Mr. Langford devoted much of his time to the promotion of this work.

The Hon. William H. Clagett, as delegate from the Territory most directly interested in the passage of the bill, took an active personal part in its advocacy from beginning to end.

I have the greatest admiration and esteem for General Chittenden as a personal friend, a man, and a historian. But I cannot but feel that he has, with the best motives and intentions in the world, scarcely awarded the honors in this affair in an equitable manner. He has given to Hayden, who did not, originally, have any faith in the idea, entirely too much credit, and to Langford and Clagett altogether too little. Langford was the John the Baptist of the National Park idea, crying aloud both in the wilderness and out of it, in advocacy of the Park, before Hayden ever saw the region. As previously stated, the first suggestion of it that came to Hayden was from Langford's



own lips from the lecture platform. Langford and Clagett, as will appear later, had the movement for segregation well under way before Hayden became connected with it, or, possibly, even knew of it.

In the report of the Secretary of the Interior for 1910, Volume I, page 54, are found these words:

John Muir is authority for the statement that Professor Hayden, above all others, is entitled to the credit of securing the dedication of the Yellowstone as a national park, for he led the first scientific exploring party into it, described it, and urged upon Congress its preservation.

It is a matter for regret that John Muir ever expressed such an opinion. Mr. Muir may, possibly, base his belief upon what General Chittenden has said, and further, perhaps, upon what the U. S. Geological Survey has stated, for the latter also seems disposed to uphold Hayden as the one all important factor in the establishment of the Park.

We have in the archives of our own Historical Society a letter which gives the facts in regard to this matter.

On July 9, 1894, Ex-Governor William R. Marshall, then Secretary of the Society, wrote to William H. Clagett, the former Territorial Delegate in Congress from Montana, asking him: "Who are entitled to the principal credit for the passage of the act of Congress establishing the Yellowstone National Park?"

Mr. Clagett, who introduced the bill in Congress, should certainly have known who the men were and in what degree each was entitled to credit, and he replied as follows:

Coeur d'Alene, Idaho, July 14th, 1894.

Wm. R. Marshall,

Secretary, Minnesota Historical Society, Saint Paul, Minn.,

Dear Sir: Your favor of July 9th is just received. I am glad that you have called my attention to the question, "Who are entitled to the principal credit for the passage of the act of Congress establishing the Yellowstone National Park?" The history of that measure, as far as known to me, is as follows, to-wit: In the fall of 1870, soon after the return of the Washburn-Langford party, two printers at Deer Lodge City, Montana, went into the Firehole basin and cut a large number of poles, intended to come back the next summer and fence in the tract of land containing the principal geysers, and hold possession for speculative purposes, as the Hutchins family so long held the Yosemite

valley. One of these men was named Harry Norton. He subsequently wrote a book on the park. The other one was named Brown. He now lives in Spokane, Wash., and both of them in the summer of 1871 worked in the New Northwest office at Deer Lodge. When I learned from them in the late fall of 1870 or spring of 1871 what they intended to do, I remonstrated with them and stated that from the description given by them and by members of Mr. Langford's party, the whole region should be made into a National Park and no private proprietorship be allowed.

I was elected Delegate to Congress from Montana in August, 1871, and after the election, Nathaniel P. Langford, Cornelius Hedges and myself had a consultation in Helena, and agreed that every effort should be made to establish the Park as soon as possible, and before any person had got a serious foothold—Mr. McCartney, at the Mammoth Hot Springs, being the only one who at that time had any improvements made. In December, 1871, Mr. Langford came to Washington and remained there for some time, and we two counseled together about the Park project. I drew the bill to establish the Park, and never knew Professor Hayden in connection with that bill, except that I requested Mr. Langford to get from him a description of the boundaries of the proposed Park. There was some delay in getting the description, and my recollection is that Langford brought me the description after consultation with Professor Hayden. I then filled the blank in the bill with the description, and the bill passed both Houses of Congress just as it was drawn and without any change or amendment whatsoever.

After the bill was drawn, Langford stated to me that Senator Pomeroy of Kansas was very anxious to have the honor of introducing the bill in the Senate; and as he (Pomeroy) was the chairman of the Senate committee on Public Lands, in order to facilitate its passage, I had a clean copy made of the bill and on the first call day in the House, introduced the original there, and then went over to the Senate Chamber and handed the copy to Senator Pomeroy, who immediately introduced it in the Senate. The bill passed the Senate first and came to the House, and passed the House without amendment, at a time when I happened to be at the other end of the Capitol, and hence I was not present when it actually passed the House.

Since the passage of this bill there have been so many men who have claimed the exclusive credit for its passage, that I have lived for twenty years, suffering from a chronic feeling of disgust whenever the subject was mentioned. So far as my personal knowledge goes, the first idea of making it a public park occurred to myself; but from information received from Langford and others, it has always been my opinion that Hedges, Langford, and myself formed the same idea about the same time, and we all three acted together in Montana, and afterwards Langford and I acted with Professor Hayden in Washington, in the winter of 1871-2.

The fact is that the matter was well under way before Professor Hayden was ever heard of in connection with that measure. When he returned to Washington in 1871, he brought with him a large number of specimens from different parts of the Park, which were on exhibition in one of the rooms of the Capitol or in the Smithsonian Institute (one or the other), while Congress was in session, and he rendered valuable services in exhibiting these specimens and explaining the geological and other features of the proposed Park, and between him, Langford and myself, I believe there was not a single member of Congress in either House who was not fully posted by one or the other of us in personal interviews; so much so, that the bill practically passed both Houses without objection.

It has always been a pleasure to me to give to Professor Hayden and to Senator Pomeroy, and Mr. Dawes of Mass., all of the credit which they deserve in connection with the passage of that measure, but the truth of the matter is that the origin of the movement which created the Park was with Hedges, Langford and myself; and after Congress met, Langford and I probably did two-thirds, if not three-fourths, of all the work connected with its passage.

I think that the foregoing letter contains a full statement of what you wish, and I hope that you will be able to correct, at least to some extent, the misconceptions which the selfish vanity of some people has occasioned on the subject.

Very truly yours,

[signed] Wm. H. Clagett.

Mr. Langford published this letter in his journal and added a pregnant paragraph thus:

It is true that Professor Hayden joined with Mr. Clagett and myself in working for the passage of the act of dedication, but no person can divide with Cornelius Hedges and David E. Folsom the honor of originating the idea of creating the Yellowstone Park.

Mr. Langford was not the man to withhold credit where it was due. On the contrary, he was far more inclined to give full measure and running over. By no possibility can what he says be construed in any other light than that Clagett presents the facts exactly as they were and states the truth regarding the matter. If these two did not know the truth no one did, and Clagett's letter evinces no small, mean spirit in the matter, but quite the contrary. Dr. Hayden is certainly entitled to full credit for his work in the establishment of the Park, no less and no more; and this applies equally to all who were engaged in that work.

The simple truth is that to Folsom and Hedges, as Mr. Langford says, is due the genesis of the gospel for the creation of

national parks; that the Washburn-Doane party are entitled, for the greater part, to the credit of preaching and expounding that gospel; that Langford, Clagett, and Hedges, were its insistent heralds and promoters; and that Langford, Clagett, and Hayden, probably in the order named, were the men to whom is primarily due the credit for the passage through Congress of the act establishing the Park. In other words, to the Washburn-Doane party is chiefly due the fact that we have a Yellowstone National Park.

That Dr. Hayden's official position, his photographs and specimens, were potent factors in the final argument, is, without doubt, most true, and no one desires to deprive him of the credit thus justly due him. But he was, nevertheless, an eleventh hour convert to the idea, and in his labors in behalf of it, and must take position accordingly.

It is certainly to be regretted that these men of science and official position have unwittingly taken a stand that, to the outsider, savors of a determination to arrogate practically all the credit for this achievement to one only who was himself so prominent in science and official life.

While, as previously stated, there may be no memorial monuments standing in honor of this band of wilderness explorers, the great Park itself is the best and most enduring memorial of the service they rendered to mankind.

Until the last trump shall sound and the earth be dissolved by fervent heat, that wonderful domain, the most unique area of its size in the world, will remain a tangible and glorious memorial to the prevision and abnegation that made it possible. Let us also be just and frankly include in the category of deserving names that of David E. Folsom, as one equally entitled to the plaudits of mankind for the discovery and establishment of this magnificent Park. A memorial tablet attached to that lava entrance arch at Gardiner, in the absence of a more pretentious monument in this Park, would be an appropriate recognition in part of these discoverers.

The discoveries and the influence of the Washburn-Doane party are strongly, and, I may add, very sensibly, reflected in the nomenclature of the Park. The names that they applied to objects were based upon analogy and common sense, and were



devoid of eccentricity or the grotesque. A few of these names that are so familiar to travelers of the present day are, Tower fall, Mt. Washburn, heretofore noted, Crystal fall, Crater hills, Mud geyser and Mud Volcano, Alum creek, Mounts Doane and Langford, and Old Faithful, the Grotto, Castle, Giant, Bee Hive, Giantess, and other geysers.

I have stated that when Mr. Langford in 1862 started westward, he followed a trail that eventually developed a new feature in national conservation and in recreation. That trail led him, as we have seen, to the upper Yellowstone region, and Yellowstone National Park was the result. That was the first national park to be established in this country, and we set the fashion for the world. I am reminded of that well known line of my boyhood days as true today as it ever was,

"Great oaks from little acorns grow."

Yellowstone Park was set aside March 1, 1872. There are now, according to the report of the Secretary of the Interior for 1910, thirteen national parks, aggregating more than 4,600,000 acres in area. The states of Arizona, Arkansas, Colorado, Montana, North Dakota, Oklahoma, Oregon, South Dakota, and Washington, have each one such park wholly within their borders.

California has three national parks; and one park, the Yellowstone, occupies a part of three adjoining states, Wyoming, Idaho, and Montana, with by far the most of it lying in Wyoming. The Yellowstone is the largest of all these parks, and they range in size from 780 acres for Sully's Hill Park, in North Dakota, to 2,142,720 acres for Yellowstone Park.

Montana has the credit of having the first and the largest national park established, the Yellowstone, partially within its borders, and also has the last and the second largest one set aside, Glacier National Park, wholly within its boundary lines.

It may with entire truth be said that, through the personality of Mr. Langford and his relationship to Yellowstone Park, the four states of Wyoming, Idaho, Montana, and Minnesota, have a close bond of sympathy and union. Certainly the three states first named, in which the park lies, can well admit having a strong and sentimental feeling, of the higher sort, for the sister state that loaned to them for so many years one of its



citizens who aided so signally in accomplishing such important results for humanity.

Upon the formal establishment of the park, Mr. Langford was, very appropriately, made its first Superintendent. He thus continued for five years, but the position was largely one in name only and quite a thankless one at that. No efforts were made by Congress, characteristically, to open the park, no appropriation whatever being made to build trails or roads, or to preserve the park from devastation. Characteristically, again, these presumptive representatives of the wisdom of the nation allowed the Superintendent to pay his own expenses most patriotically and unselfishly, and to perform his duties, such as they were, without any salary. This Mr. Langford did during his entire incumbency of the office. Efforts were strenuously and continuously made by sinister minded persons to obtain concessions in the park for purposes inimical to the spirit in which it was set apart. These attempts Mr. Langford, with the consistent and unyielding support of Gen. B. R. Cowen, the Assistant Secretary of the Interior, was enabled to frustrate.

The park was thus fortunately preserved, in the beginning, from an improper course of administration, one that would most certainly have resulted in gross scandal and national disgrace.

And what of the probity and moral stamina of the man who in that day could maintain himself for five years in such a position unspotted and incorruptible? The Minnesota Historical Society may well be proud of the fact that the one time vigilante, explorer, and National Park Superintendent, at the time of his call from earthly labors had been for seven years its dignified and honored president.

As I began so I close! Fate is a stern and inexorable mistress. She doeth whatsoever she will, and we may but rarely modify or change her decrees. If in his sturdy, vigorous manhood she led our former friend and associate by strenuous and danger-lurking trails, she vouchsafed to him in the evening of his days a beautiful, even tempered, but still useful life.

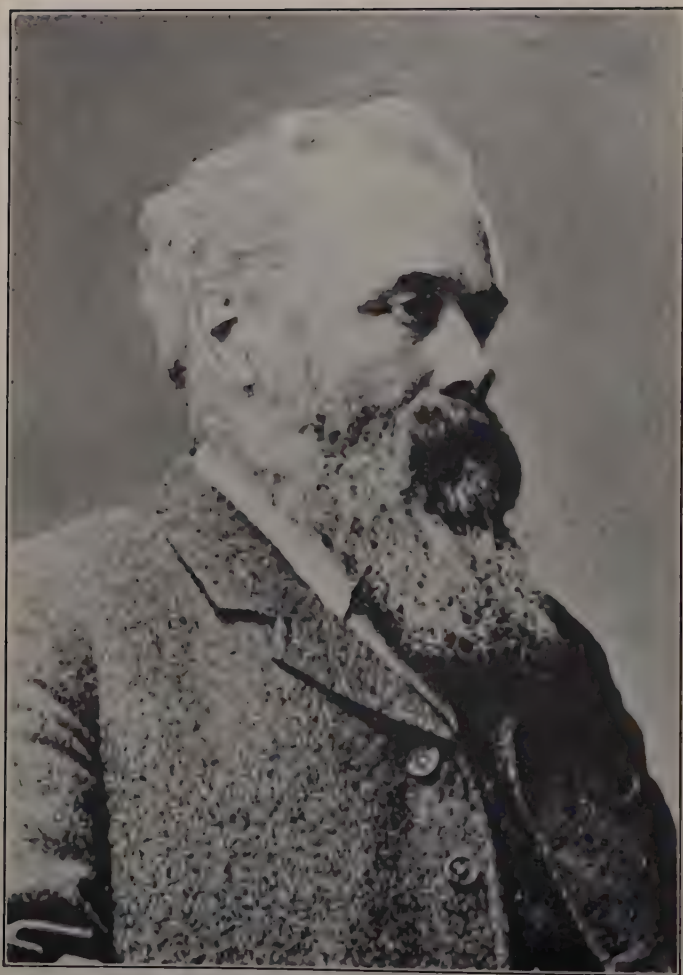
As he slowly approached the summit—his final climb—of that last divide, the one between time and eternity, that sooner or later we must all climb, he went forward calm, serene, con-

fidant, with steady, unflinching steps. "Sustained and soothed by an unfaltering trust" in Him who had led him safely thus far, I can fancy him softly exclaiming as he toiled onward, "I have fought a good fight, I have finished my course, I have kept the faith."

And as he reached the crest of that last divide and his spirit, loosed from its earthly tabernacle, swept with its spirit sight that vast and "mysterious realm" that opened before it, what a vision it beheld! Is it a wholly fanciful picture that among that innumerable host of transfigured countenances that thronged before him there, with beckoning arms, were those who had gone before, with whom he had in those trying days of old stood shoulder to shoulder in upholding law and order and right living; that there were seen those with whom he had labored through the defiles and marshes and obstructions of the Yellowstone; and, again, those who in his later days had known a life made sweeter and better through his efforts to aid distressed and suffering humanity?

Possibly the thought is, indeed, fanciful, but why may we not thus indulge it when it comports so fully with that life, now closed forever on earth? And we may rest assured that, having crossed the border land, and being brought into the presence of that Lord and Master whom he had here served with fidelity, he heard in accents strong and loving the blessed salutation, "Well done, good and faithful servant, enter thou into the joy of thy Lord."





*Charles A. Hewitt*

MINNESOTA HISTORICAL SOCIETY.  
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## BIOGRAPHIC MEMORIAL OF DR. CHARLES N. HEWITT.\*

BY WILLIAM WATTS FOLWELL.

On the seventh day of July, 1910, it pleased the Lord of Life and Death to call from this world the soul of Dr. Charles Nathanael Hewitt.

The assertion is ventured that no one citizen of Minnesota has devoted himself more zealously to her welfare or conferred greater benefits on her people than he. If Minnesota shall propose to perpetuate the memory of men who have rendered great public service and furnished models on which her young men may pattern their lives, let her place among the statues she rears in the Capitol that of this citizen.

Such distinction may rightly be claimed for the man who organized the Public Health Service of Minnesota, and in the course of a quarter century's administration of that service brought it to a high state of efficiency, saved thousands of lives, and prevented an amount of sickness and suffering beyond estimation.

To record the services of such citizens and preserve the memory of them for a posterity which may be more appreciative of their value than the passing generation, is a worthy and proper function of this Society. The following contribution is accordingly submitted.

Charles Nathanael Hewitt was born in Vergennes, Vermont, June 3, 1836. Among his ancestors are many notable names. His parents moved to Potsdam, St. Lawrence county, New York, in his early childhood. For his college preparation he was sent to the old and still famous Academy of Cheshire, Connecticut. From there he passed to Hobart College, Geneva, New York, by which he was graduated Bachelor of Arts at the

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\*Read at the monthly meeting of the Executive Council, November 9, 1914.



age of twenty. Because his heart was in the subject of medicine he did not aspire to academic honors, preferring to hold the position of demonstrator of anatomy in the Medical Department of the College. He was accorded the same position in the Medical College at Albany, New York, from which he received his degree of Doctor of Medicine in 1857. His father was a physician, and the devotion of the son to that profession was evident from boyhood.

Engaging in practice with his preceptor in Geneva, New York, he had barely become established before a call came to a new and unexpected sphere of medical practice. After the pitiful disaster of Bull Run in 1861 came President Lincoln's call for a great volunteer army to be enlisted for a term of three years.

General Charles B. Stuart, a distinguished civil engineer, and then Chief Engineer of the United States Navy, conceived the idea of raising a regiment of engineer troops, foreseeing the need there would be for such a corps in case of a great and protracted war. The War Department readily issued the necessary orders. In the course of a single month the companies were filled from central and western New York and northern Pennsylvania. The commissioned and non-commissioned officers were largely civil engineers, some of them of long experience and wide reputation. The rendezvous was at Elmira, New York, in August, 1861.

Dr. Hewitt's preceptor, a physician of more than local eminence, was appointed surgeon of the new regiment; but advanced age and developing infirmity soon disqualified him for active service, and he was obliged to resign before his first campaign was well begun. From the beginning the administrative duties had fallen on the assistant surgeon, Dr. Hewitt, who at once succeeded him as regimental surgeon.

It is necessary here to make some account of the peculiar organization of this regiment. When the time came for the muster-in of the engineer volunteers, it was discovered that there was no provision of law for the enlistment of such troops. In expectation that Congress would as soon as possible ratify the action of the War Department in prematurely authorizing

such enlistment, the whole body, officers and men, cheerfully acquiesced in being mustered in as infantry. The regiment accordingly took the number 50 of New York infantry volunteers. It was not till after the close of the Peninsular Campaign that the expected Act of Congress was passed. As enacted it provided for the organization of volunteer engineer troops in regiments of twelve companies, each composed of 150 officers and enlisted men, having the pay and standing in all respects of engineers of the regular army.

Like the artillery regiments as then organized, this regiment was chiefly an administrative unit. Each company, like each battery of artillery, was equipped for independent movement and service. Soon after the passage of the Act referred to, the regiment was recruited to its full strength of 1,800 officers and men. The habitual distribution of the command was as follows: regimental headquarters and one company at Washington, D. C., in charge of the engineer depot and construction shops; two companies at the headquarters of the Army of the Potomac; and battalions of two or three companies at the headquarters of different army corps.

The division and scattering of the command imposed on the medical staff duties far greater than those falling on those of infantry regiments. It outnumbered those brigades which had seen two or more campaigns. Major Hewitt proved himself equal to every duty and emergency. Riding from camp to camp, he saw that his assistant surgeons and stewards were provided with needed appliances and supplies, and that they were attending to their duties. Dr. Letterman, Hooker's medical director, paid him the high compliment of saying, "He is the best regimental surgeon in the Army of the Potomac." In the last years of the war he was chief surgeon of the Engineer Brigade of the Army of the Potomac, consisting of the 50th and 15th New York engineer regiments and the Regular Engineer Battalion. This position made a large addition to administrative duties. Details of his activities in the successive campaigns must be left to a biographer, but some leading characteristics may properly be noted.

Major Hewitt had the qualifications essential to an expert surgeon, profound knowledge of anatomy, keen perception of the immediate problem, and extraordinary deftness of hand. But he was as conservative as he was expert, saving to the patient every member and organ which could be of use. He employed every means of antisepsis known at the time. He used to say that he would rather keep patients who had undergone severe operations under a tree in the field than expose them to the gangrene of the best general hospital in Washington or any other city. For his sick he trusted more to rest, fresh air, and good food, than to his medicine chests. The only complaint his men made was that he would not "doctor" enough. Many a man who came to sick call in fear of a "spell" of sickness went back to his company a new man after a couple of days of rest and good feeding. Intoxicants he prescribed very rarely, finding other stimulants effective enough and more benign. It ought to be added that the irrepressible joviality of the Chief Surgeon was perhaps the best of his remedies. Yet nobody could, when necessary, trim down a shirk or malingerer more effectually than this genial doctor.

Sanitation was his enthusiasm. To prevent disease among his men was ever more in his mind than the cure of the sick. His eye was ever on the general location and police of the camps, but particularly on the commissary departments and the company cooks.

The writer well remembers a certain occasion when his efficiency in sanitation was displayed in a notable way. A detachment of the regiment under command of the lieutenant colonel was in camp in the late summer of 1864 near the middle of the long line fronting Petersburg. Typhoid suddenly broke out and was decimating the companies. The commanding officer sent for Major Hewitt, who next day rode into camp. After a half hour's inspection he made his report and recommendation. In another half hour that camp ground was cleared of everything moveable upon it. The ground was thoroughly swept or scraped, the drainage was made perfect, new sinks were dug, and new sources of water were opened. The cooks and commissary men got their orders toward more cleanly

handling and preparation of food. Then the camp was re-established. Typhoid disappeared as suddenly as it had come. Major Hewitt deserved the commission of Brevet Lieutenant Colonel which came to him near the time of his muster-out with his regiment early in July, 1865.

His old clients at Geneva, N. Y., welcomed Dr. Hewitt on his return, and a promising career re-opened there; but correspondence with a college friend and brother physician roused an interest in Minnesota, and the opportunity to succeed to an established practice brought him to Red Wing soon after the close of the war.

A few years now passed devoted to extending his medical practice and the establishment of a home, modest, but so charming that no calls to larger spheres for the employment of his professional gifts ever tempted him to exchange it. It is safe to assert that had he moved to either of the "Twin Cities," he would have won great distinction in surgery and enjoyed an ample income. He married in 1869 Miss Helen Hawley, a wife who more than fulfilled all the dreams of a young man's fancy.

Dr. Hewitt was not the man to be content with the career of a village doctor, however worthy that might be. As already suggested, he was inspired with the noble aspirations of preventive medicine. A diligent reader of the current literature of medicine, he had observed the operation of a law of Massachusetts passed in 1869 to establish a State Board of Health, and the similar action of California two years later. A bill drafted by him on the model of the Massachusetts Act, passed by the legislature on March 4, 1872, put Minnesota third on a distinguished roll.

This was not the first legislation in the State related to public health, but it was the first effective action. The "Code of 1857" had provided for municipal boards of health consisting of justices of the peace "in every precinct," trustees of villages, and aldermen of cities. Such boards were authorized to appoint health officers, to abate nuisances, and to quarantine smallpox.

In the general statutes of 1866 we find substantially the same provisions, with the exception that town supervisors are boards of health.



It was natural that these isolated boards of laymen should act, if at all, in a purely perfunctory manner. There could be little voluntary co-operation, and there was no central authority which could require united action.

The Act of 1872 provided for a central State Board of seven physicians, with the following duties:

1. To put themselves in communication with the local boards of health and with public institutions.
2. To take cognizance of the interests of health and life among the citizens generally.
3. To make sanitary investigations, especially of epidemics.
4. To study the sources of disease and the effects of localities, employments and circumstances on public health.
5. To devise a scheme for vital statistics.
6. To act as an advisory board to the State in all hygienic and medical matters.
7. To have charge of quarantine.
8. To enact and enforce measures necessary to the public health.

The Act further provided for a Secretary to perform and superintend the work prescribed, and to discharge such other duties as the Board might require; and it fixed his salary at \$250 a year, payable quarterly.

The able and highly reputable physicians appointed to the board elected Dr. Hewitt their secretary. It was understood of course that he would give only spare time from his professional work.

It is obviously impossible within the limits of the present article even to catalogue the numerous activities of so enthusiastic and versatile an official. Certain groups of them may be noted and remarked upon.

The attention of the Board was naturally at once directed to putting itself into communication with local boards of health as required by the law. This was not difficult in cities and villages, but from rural towns there was almost no response. Upon representations to the legislature of 1873, that body enacted a law requiring town boards to elect annually a town board of health, one member to be a physician and town health



officer. These elected boards of health may have been an improvement, but there were no penalties to oblige them to conform to regulations of the State Board. It was not till 1881 that a heavy fine was laid on any local board or member thereof for refusing to obey the reasonable directions of the State Board of Health.

These efforts toward providing a machinery for promoting public health culminated in an act of the legislature of 1883, entitled "Health Code." It enlarged the powers of local boards and gave the State Board still larger powers of regulation. Heavy penalties were attached to neglect of duty by local boards or members. This act was so drastic that some of its provisions were, in a later year, mitigated. It was found impracticable to compel local health officers to make thorough sanitary inspections of their towns, villages, or cities, as the case might be, and to report in writing both to the local and state boards. Prompt repeated and effectual vaccination of all children had to be given up, in the face of a violent if absurd opposition.

The Act of 1885 receded from the plan of having town boards elect the town board of health, and revived the old plan of making the town board itself the board of health. It was not required that there should be a physician on the board, but that the board should employ a physician when they should deem it necessary, or when required to do so by the state board of health.

Otherwise the act of 1883 has not been materially changed, unless in the provision that there must be at least one physician on the board of health. If no town supervisor is a physician, the board of health must elect one.

The local boards of health, thus co-ordinated with and regulated by the state board, furnished a state-wide agency for checking the spread of epidemics, for preventing the pollution of waters, for the collection of vital statistics, and diffusing among the people information relating to health.

Without waiting for the perfection or indeed any considerable improvement in the mechanism for preserving public health, the state board, led by the executive secretary, began a

warfare against epidemic and infectious diseases. Before its creation the law for quarantine of smallpox had but occasionally been put into effect. Measures were at once taken for more effective isolation of outbreaks. Scarlatina was soon added to the list of infectious diseases to be isolated; then typhoid fever, and later diphtheria. The last named furnished a most striking illustration of the effect of isolation accompanied with improved medication and nursing. The number of reported deaths from diphtheria in 1882 was 1,607; in 1887, 788, a reduction of nearly one-half; and in 1895 the figure was 466, a little more than one-fourth the deaths thirteen years before. In those years the population of Minnesota had doubled. It took Dr. Hewitt some years to convince his medical brethren generally that diphtheria was infectious.

As might be presumed, Dr. Hewitt was alert to welcome every new development in his profession. He accepted at once the statement of Kirchhoff, that whether the bacillus of Koch was truly the cause of Asiatic cholera or not, it was the part of enlightened physicians to act as if it were. He was fully prepared for the invasion of that disease which appeared in some of our seaports in 1890, but happily there was no invasion into Minnesota and the appropriation made by the legislature for repelling it was not used.

He was not content with the new learning in regard to the employment of serums in infectious cases as represented in the journals. To get the essentials of that he went to Paris in the spring of 1890 and put himself under the instruction of Pasteur. His studies were in diphtheria, tuberculosis, and rabies, but his main object was to acquire the method of Pasteur.

The cure of diseases was a solemn duty, which Dr. Hewitt shared with the members of his profession; the prevention of diseases was for him a holy crusade, in which the physicians of the day were not over eager to follow him. The great public, inheriting the belief that disease is inevitable and the day of each one's death appointed, had little faith in the proposals of preventive medicine. His first essay was towards the introduction of efficient ventilation in public institutions and in school-houses. It cannot be doubted that his inspection and recom-

mendations had much to do with experiments which were more or less satisfactory. For dwelling houses he insisted that no ventilating apparatus could equal the open fireplace. He labored vigorously to introduce earth closets for disposing of human excreta where sewers did not exist.

The continued though abated prevalence of typhoid led Dr. Hewitt to examine the water supply of various localities. The results were such as to convince him that an immediate and extensive examination of water supplies generally was demanded. In 1877 he began a sanitary water survey of the state. In the next years he made, and had made, chemical analyses of thousands of samples from lakes, rivers, and wells, in all the settled parts of the state. Later bacteriological examinations were added. How many cities and villages were moved to install water supply systems is not known, but the number was large. Thousands of people were constrained to disuse wells, which had been erroneously believed to yield healthful waters but in fact were unfit for human use.

It was not till 1885 that the legislature could be moved to enact a law to prevent the pollution of rivers and sources of water supply. This act gave the state board of health general supervision of sources of water supply for towns, villages and cities, and required reports from local authorities, water boards in particular, to the state board.

The passage of this important law was recommended and urged by Governor Hubbard, who, more than any other of the state executives of the time, appreciated the services of the State Board of Health and its working secretary. In the same year was passed the act conferring on the board power to quarantine domestic animals attacked with epidemic diseases. This duty was later and properly devolved on a special "State Live Stock Sanitary Board," but for some years useful service was rendered under the supervision of Dr. Hewitt. His faithful execution of this law aroused an opposition which at length contributed to his disadvantage.

Mention may here be made of another statute of 1885, empowering the state board of health to regulate offensive trades and employments upon application from parties aggrieved after

public hearing. An item well-deserving mention is the investigation made in his laboratory into illuminating oils, particularly petroleum distillates. The result was the establishment of state inspection, which immediately shut unsafe kerosene out of Minnesota.

He was the pioneer in exposing the adulteration of foods and condiments.

The untiring industry of Dr. Hewitt in prevention of disease has no better illustration than that of smallpox. He shared the belief of his profession that effective vaccination, repeated at proper intervals, was a perfect prophylaxis against that fearful scourge. In every possible way, and on all occasions, he advocated vaccination. The best obtainable virus was distributed from his office. Dissatisfied at length with that furnished by the trade, he established near Red Wing a vaccine farm. There he produced in liberal quantity virus which he knew to be, and which was proved to be efficacious.

It was found that we had to deal in Minnesota not only with cases originating in the state, but in very many instances with imported cases. To check the immigration of persons having the disease, or who might be expected to have it, Dr. Hewitt established in 1879 a system of interstate notification which made it possible to quarantine such persons if they crossed the state lines. Later he prevailed on the U. S. Marine Hospital Service in New York to give him notice of immigrants bound to Minnesota who were likely to bring the infection. A similar courtesy was obtained from Canadian authorities. In the years 1894-95, forty notifications were received from New York, seven from Canada, and two from other sea ports, covering 464 persons who had been exposed to infection. A large number of these were intercepted and examined.

Dr. Hewitt had a cause still dearer to his heart than either the cure or the immediate prevention of disease. He was an apostle of the "art of good living," which he gave as another name for hygiene. Individuals acting alone could of course practice this art, but they would do more and better for themselves when stimulated by the contagion of community interest. Hygiene was to him above all a social concern. Perhaps the



best of all his efforts went to arousing general public interest in health conservation. He wrote, he lectured, he personally exhorted, and sought the co-operation of physicians, clergy, and teachers. He addressed many meetings and conventions of teachers, showing them how to teach hygiene in schools. He called sanitary conferences at St. Paul, Minneapolis, Northfield, Rochester, and other places, which were largely attended. Some of the addresses published in the reports of the board are well worth republication.

On none of these occasions did Dr. Hewitt fail to emphasize his central doctrine, that it is the duty of every community to promote health. The promotion of health, he would say, is "as obligatory upon communities of civilized men as upon individuals." He cherished a dream of virtually organizing the whole state into a health association. He was fond of quoting Franklin's sentiment, "Public health is public wealth." In one of his early reports he asserted that one fifth of the deaths and one-fourth of the sickness in Minnesota were preventable.

As a means of spreading needed information primarily among local health boards, and through them to the general public, he began in 1885 the publication of a monthly periodical entitled "Public Health in Minnesota." This he not only edited, but wrote large parts of it. Soon after he took the office of secretary, he began the publication of "Circulars of Information," regarding infectious diseases. The circulars on small-pox, scarlatina, diphtheria, and rabies, were widely distributed and must have done much to quiet fears and direct proper action.

In his whole laborious campaign of education there was nothing into which he threw himself with greater ardor than into his instruction as non-resident professor of public health in the University of Minnesota. Beginning in 1873, for more than twenty years he gave an annual course of lectures to entering classes or the whole student body. There was some variation in his subjects; but the program of 1877 may serve to indicate their scope.

1. Health and hygiene, public and private.
2. Disease; causes and prevention.



3. Poverty and pauperism.
4. To young men.
5. Crime and criminals.
6. Hygiene and education.
7. Hygiene of the home.
8. Success in life.

It was in that year that he began the physical examination of the students. The University authorities, indifferent to this innovation, gave no support, and after two or three years it was abandoned.

Two years before the creation of the State Board of Health, a bureau of statistics had been established in the office of the Secretary of State, the Assistant Secretary of State being ex officio commissioner of statistics. Provision was made for the collection of vital statistics. Some tables of these had been published, but no one had put them to any use. Dr. Hewitt immediately made a study of the tables, and interpreted their lessons. In 1876 he published a "Study of Vital Statistics of 10,000 Persons," which set some persons to thinking and ought to have set a great many more.

He found the system of collecting vital statistics so imperfect and inefficient that he soon proposed that the matter of vital statistics be transferred to the State Board of Health. After more than a decade of patient waiting and importunity, that transfer was made. From that time, 1891, the vital statistics of Minnesota have been increasing in value, and under the present administration they rank high among those of sister states. It was Dr. Hewitt's merit to have organized them in right lines.

The labors thus mentioned were verily labors of love. For the first five years of service, Dr. Hewitt received the sum of \$250 salary each year. Next for a like term he was paid \$500 a year. The salary was then raised to \$1,000 for the next four years. Not till 1886 was he paid enough for the support of his family, and then only enough, \$2,500. In 1894 an increase to \$3,500 made it possible for him to move the office of the State Board to St. Paul and virtually to retire from private practice. He was not long to enjoy that relief.

We have considered things which were done. It may be that the future will admire this noble public man the more for the things he would have liked to do; things which could not then be done, partly because the time was not ripe for them, and partly because strength failed. Among these unfilled aspirations were:

1. To have local health boards and health officers paid enough to secure efficiency. In 1896 he reported that more than half the physicians serving as health officers of the state had no pay at all, and of those who did receive salaries the larger number did not receive over \$20 each. The highest city salary was but \$2,000, and that in only two cities.

2. To have town supervisors elected one at a time for three years, instead of three at a time for one year. When the whole town board, as frequently happened, went out of office, all their successors had to be apprised of their duties as a board of health. Mention has been made of an attempt to remedy this evil by having the town board elect the board of health. This duty was so ill performed, when performed at all, that a return was made to the old form of having the town board itself act as the town board of health. Year after year Dr. Hewitt pleaded with legislatures to arrange town elections so that there would always be a majority of the board holding over. It did not please the legislature to take this perfectly reasonable step till 1905.

3. To have the State establish a hospital for inebriates. This proposition was made in his first report, and was repeated from year to year until the legislature of 1875 took action for the erection of buildings for that purpose at Rochester. As is known, the extraordinary pressure for larger accommodations for increasing numbers of insane, induced the legislature later to divert the institution to that purpose. The inebriate asylum, which Dr. Hewitt so much desired, was opened in the year 1912. It is therefore mentioned here as one of the projects which this many-sided man had at heart, but did not live to see. The subject of intemperance was one on which he thought intensely. He regarded it as an inheritance of centuries, which could not be abolished by any sudden act of legislation. It might take

generations to raise up a body of people so truly temperate and abstinent that the liquor seller's occupation would be gone. For the meantime he preached the reasonable gospel of temperance and practiced it. His lecture on temperance to the University students explained the evil effects of intoxicants on body and mind in forceful but not extravagant terms. He believed that habitual drunkenness was a disease akin to insanity, and therefore held to the conviction that it ought to be treated in institutions where proper restrictive and curative means and surroundings could be provided.

4. To have a Pasteur hospital for the treatment of rabies established under the management of the State Board of Health. On his return from his studies in Paris in 1891 he represented that a beginning might be made at a cost of \$1,000 a year. It was many years after Dr. Hewitt's retirement from public service that this highly necessary work was taken up.

5. To have township nurses employed to care for epidemic cases. This recommendation was repeated in successive reports to no purpose. The time was not ripe, and probably it is not yet ripe.

6. To compel the vaccination of the whole population, and to exclude children not vaccinated from public schools. At the present time vaccination is not yet generally compulsory, and only in times of epidemic smallpox can children not vaccinated be excluded from public schools.

7. To have physical examination of all children and youth attending public schools begun and ultimately everywhere conducted. In the years 1877 to 1880 he personally examined 465 students of the University, the records of which may be found in the eighth report of the State Board of Health, for the years 1879-1880.

8. During the twenty years in which he held the position of non-resident professor of Public Health in the University of Minnesota, it was his hope that a Department or College of Public Health might be organized and developed, in which health officers might be trained for the prevention of disease. He was comparatively indifferent to the development of a medical department of the traditional kind, in which men are

trained to cure disease. Still he was loyal to his profession, and in the days when the academic work of the University was being patiently built up, before the University resources were adequate to the establishment of a medical college equipped for complete instruction, he suggested the organization of a faculty which should simply hold examinations and grant medical degrees to such as should pass them. This faculty acted as a State Medical Examining Board, and it passed upon the diplomas of all physicians in practice at that time in the state. This organization was made and remained in existence until the University, by absorbing a local medical college, was ready in 1888 to offer instruction. Dr. Hewitt declined a professorship in the enlarged medical college, because of the hope that he might see a department of Public Health opened, in which his talent could be best used and his highest ambition gratified. His dream has not been fulfilled, and long years may pass before an enlightened public, appreciating his splendid idea, will demand this establishment of a college of public health. His lectures on public health were probably the first delivered in an American college.

9. To have a complete sanitary inspection of the State, followed by annual sanitary inspection, with reports to the State Board. Of this it may be said that it was a mere project thrown out to call attention and awaken an interest which in the course of time might ripen into actual undertakings. The idea of a general sanitary survey is probably not yet deemed feasible or desirable by any large number of persons.

During these long years of service, contending against public ignorance, professional indifference, and legislative parsimony, the doctor's enthusiasm was constantly warmed by indications of appreciation. His efficiency in the handling of epidemics compelled the admiration of his profession and the approval of the general public. Teachers were grateful to him for his labors toward the sanitation of school buildings. He was cheered by the co-operation of the clergy and of many honorable women, whose aid he publicly acknowledged.

His work and writings became known in the neighboring states, and later throughout the country. In 1887 he was Pres-



ident of the American Public Health Association, an organization he had helped to form and build up. His reputation secured to him an associate membership in the Society of Health Officers of England and the Société d'Hygiène of France. In 1891 he attended the International Congress of Medicine and Demography, held in London, and contributed to the discussions. Canadian health authorities respected his acquirements and efficiency, and were ready to co-operate with him. His College gave him the honorary degree of Doctor of Laws.

After a quarter century of devoted service to his State, that service came to an abrupt termination. Dr. Hewitt had never needed to ask for reappointment to membership of the State Board of Health, nor to re-elections as its executive secretary. He had kept the office absolutely clear of political complications. At work in his office on a certain afternoon in January in 1897, word came to him that the Governor had omitted his name from the list of appointments to membership of the State Board. It was the work of a few minutes for him to gather up the few articles belonging to him personally and say a word of parting to his faithful assistants. In his last report, for the preceding year (1896), in a concluding paragraph he expressed, as follows, the feelings of the hour.

The best of my life and effort have gone into this work. I have spared neither time, labor, nor thought, to make it what it ought to be. Such as it is, the record is made and closed. I resume tomorrow the active practice of my profession with the sincere wish that the public health service of Minnesota may maintain and advance the position which it has won among the similar organizations in other states. I am still more anxious that it continue to serve the whole people of Minnesota in the future as in the past.

This removal from the Board came as an absolute surprise. If there had been machinations for it, no one had revealed them to him. Never had he been so full of enthusiasm for his great work, nor more hopeful of increasing usefulness. To find his career as a sanitarian and guardian of the public health of a state thus instantly cut short without warning, was a stunning blow. He left the office and never entered it again, nor held any communication with the State Board of Health or its officers. His was not the philosophy to look upon this decapitation



as one of the things likely to happen to any man in the service of the public, holding office at the pleasure of a state executive elected by a political party. At some time even such an office as his would be needed in a political propaganda. It will probably be consented to by all, that one who had labored so faithfully and deserved so well the approval of the public had a certain right to suggest the time and manner of retirement, even when informed that retirement would be inevitable. The writer does not hesitate to say that the action of Governor Clough was simply brutal.

The doctor of course in time recovered from the effects of this relegation to private life. He resumed his private practice at Red Wing, welcomed by a body of old clients. His professional brothers came to him for information and counsel. His home, with its great elms, its vines, and his garden, occupied much of his time. He had long been a busy writer of reports, opinions, essays, editorials, and addresses. He now planned to use this talent in writing out a history of medicine. He had long held the opinion that the great physicians of antiquity whose names have come down to us, while ignorant of anatomy, still possessed arts of diagnosis and healing which moderns have to rediscover. For this purpose he spent some winters at the national capital, where the resources of the Library of Congress were available and freely granted. One winter he spent in Paris. This work he did not live to complete.

Dr. Hewitt had a great capacity for friendship. He cherished to the end the attachments which his college fraternity, the Alpha Delta Phi, had established. Educated in school and college under Episcopalian influences, he maintained his membership in that church throughout life. It is well worth while to note a characteristic contribution to the work of his parish. He had a notable musical gift, which was shared by his own children. He organized and for many years taught a choir of boys; and he taught them much more than music,—courtesy, and honor, and reverence. The memory of those lessons is still dear to many of "the old choir boys."

Along with all his engagements he carried on the primary education of his children, and taught as no schoolmaster can be

expected to do. He discovered that an immense amount of time was wasted in schools, that the real learning by children was got in a little time and in separate moments of attention. Thirty years ago or more he declared that half of the time of public school children might be given to what was later known as manual training, while still as good progress would be made in the usual school studies.

The life of this noble man, devoted citizen, and sincere Christian, ended after a short illness on July 7, 1910, at the age of seventy-four years. His body was cremated, and the ashes were deposited at his boyhood home in Potsdam, New York. It will be long before Minnesota shall look upon his like again.





*Frederick Driscoll*

MINNESOTA HISTORICAL SOCIETY.  
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## BIOGRAPHIC MEMORIAL OF FREDERICK DRISCOLL.\*

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BY HENRY A. CASTLE.

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Frederick Driscoll, whose character and achievement we desire to commemorate on this occasion, filled worthily for a long period, crowded with important events, a conspicuous place in the annals of this city and this commonwealth, besides attaining positions of nation-wide prominence and influence in the realms where his professional activities were especially exercised.

Our friend was so versatile in his endowments, his attainments, and his sympathies, and so many-sided in his character, as to command the sincere respect of contemporaries of all shades of political opinion. He was a man of forceful and generous nature, with a fertile mind well stocked with ideas and lavish in their outlay. Warm-hearted, open-handed, large-minded, with a certain profusion in his intellectual expenditures, as if conscious of an overflowing reserve, his powers were wonderfully at his command on those occasions when the exigencies of the moment required him, in some public assembly, to present his views on an important subject under discussion.

He was equally at home in a political convention, at the Chamber of Commerce, or at a great meeting called to decide on measures to meet an impending crisis. He made no oratorical efforts, but the clearness of statement, the persuasiveness of his manner of reasoning, all combined to win assent and disarm opposition.

Frederick Driscoll was born at Boston, Massachusetts, July 31, 1834. His boyhood was spent in that city, and he received a serviceable education at the Groton Academy. He formed plans for a mercantile career and was trained in that direction

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\*Read at the monthly meeting of the Executive Council, April 10, 1911.



with no premonitions of the wide divergence therefrom the future busy years would bring.

In the summer of 1856 he came west and found employment for a few months at Clinton, Iowa. While travelling on the Lake Michigan steamboat, "Niagara," in 1857, the boat was burned near Green Bay, Wis., and many of his fellow passengers were drowned. In attempting to assist one of these, a woman, Mr. Driscoll was struck by a floating spar and deprived of the sight of his left eye,—a permanent affliction, honorably incurred, which however failed to impair his subsequent potentiality.

He arrived in Minnesota in October, 1857, and, after a short stay in St. Paul, located at Belle Plaine in Scott county as book-keeper for the land company which exploited the townsite.

He came, an ambitious, industrious, level-headed young man, to the Minnesota of the eventful decade preceding the Civil War, to breathe her invigorating air, to drink of her crystal waters, and bathe in her glorious sunshine. He came to share her affluent but undeveloped resources, the age-fattened fertility of her shoreless prairies, her immeasurable storage vaults of mineral wealth, and her forests of lofty pines.

He came to blend his destiny with a free, brave, virtuous people. They were rugged as the red foemen they confronted; primitive; poor in worldly possessions, but rich in daring and will and hope. He became one with them, without delay or misgiving, and within five years had gained a position of prominence from which he never receded.

The Belle Plaine Land Company suffered some financial reverses, Mr. D. W. Ingersoll of St. Paul, a leading merchant, was made assignee, and Mr. Driscoll became his agent. Among the assets of the Land Company was a weekly newspaper, the "Inquirer," which, after many vicissitudes, suspended publication in 1861. At the suggestion of Mr. Ingersoll, Mr. Driscoll accepted the newspaper plant in payment of arrearages due for his services. He was not a practical printer, but he embarked on this untried venture, which was to shape and control the work of a lifetime, with youthful self-reliance, fully justified by the result.

Meantime, other events which definitely affected his fortunes had occurred. On May 31, 1858, he had married at Belle Plaine Miss Ann L. Brown of New York, a daughter of Hon. J. B. Brown, who later, as Lieutenant Colonel of the 113th New York Infantry Volunteers, made a distinguished record in the War for the Union. Miss Brown, who had recently graduated at an eastern collegiate institution, was visiting her sister, Mrs. William G. Gates, at Belle Plaine, when the acquaintance began.

In November, 1860, Mr. Driscoll was elected a representative in the Minnesota Legislature from Scott county, and served during the session of 1861. He was a Republican, and Scott county was strongly Democratic; he was only twenty-six years old, and had lived in the state but two years; yet he was chosen by a small plurality, and bore a highly creditable part during the session in debates as well as in framing legislation. He was specially helpful in locating the terminus of the Duluth Railroad in St. Paul.

It was at the close of this session that he purchased the moribund newspaper, changed its name to the "Scott County Journal," transformed its politics from Democratic to Republican, and commenced the journalistic apprenticeship which was to give to the state and to the nation a genuine master workman.

At the opening of the Legislative session of 1862, Mr. Driscoll came to the capital and with the prestige of his previous service in the House, added to that of a Republican editor, was elected Secretary of the Senate. He discharged his duties, both in the regular session and in the special session of that year, so acceptably as to attract the attention of the state leaders of one wing of the dominant Republican party, who encouraged him to bring his printing material to St. Paul and establish a daily paper in opposition to the Press.

It was a period of depression and solicitude for Minnesota. The rebellion in the South had drawn thousands of her patriotic sons to its remote battlefields, and the horrible Indian massacre of August, 1862, had depopulated her frontiers. Mr. Driscoll, physically disabled for field duty, nevertheless was given a commission which he was unable to accept, but he rendered valuable service in the quartermasters' department at Fort Ripley, and elsewhere, during the most trying season.

In November, 1862, he removed to St. Paul and established the Daily Union. A young man just arrived from Ohio, named Harlan P. Hall, was his city reporter. The Legislature of 1863 was to elect a United States Senator to succeed Henry M. Rice. There were two Republican candidates, Governor Alexander Ramsey of St. Paul and Congressman Cyrus Aldrich of Minneapolis. The Press, owned by William R. Marshall and Newton Bradley, with Joseph A. Wheelock as editor, earnestly supported Governor Ramsey; Mr. Driscoll, in the Union, just as earnestly supported Colonel Aldrich. Ramsey won the senatorial toga, but at the same session of the Legislature Mr. Driscoll was elected State Printer, by which proceeding emoluments estimated at \$20,000 a year were transferred from the Press to the Union. Thus both papers had gained,—likewise both had lost. A consolidation was suggested and speedily effected.

Mr. Wheelock, at the outset, doubtless looked with amusement bordering on disdain upon this journalistic tyro from Scott county, who had the temerity to set up a rival Republican daily in St. Paul. But no sooner had the contest begun than he discovered, like Fitz-James of old:

"No maiden's hand is round thee thrown!  
That desperate grasp thy frame might feel,  
Through bars of brass and triple steel!"

And the contest did not last long. It was soon found expedient to unite the two papers. The Union was merged into the Press, March 1, 1863. Newton Bradley and William R. Marshall retired; Frederick Driscoll and Joseph A. Wheelock became partners and began an association that continued until 1899.

As to which was the senior and which the junior partner, opinions have differed. Mr. Wheelock, the editor, was always in the limelight, while Mr. Driscoll, the business manager, was less conspicuously displayed. United, they made a remarkably successful combination; separately, neither could possibly have accomplished so much.

Mr. Wheelock's half century of primacy in Minnesota journalism has its unchallenged historical recognition. He was one of the clearest thinkers and most forcible writers in the

nation, capable of sustained efforts of uniform excellence, with frequent flights into the realms of genius. An adept in nervous thought and muscular language, he wrote with a fullness of information and a richness of diction that commanded the applause of his friends, while it often exasperated his opponents. When his righteous indignation was aroused by some political atrocity, his wrath became highly inflammatory, and the color-scheme of his denunciations took on a lurid, sunset crimson. Not infallible in judgment, nor exempt from infirmities of temper and temperament, which at times cloud the intellectual vision, he was always credited with good motives and manly conduct.

The two associates worked together in harmony, as a rule, although such positive natures must have clashed occasionally in determining the policies to be pursued. Immersed together in many seething cauldrons of controversy, they often emerged discomfited, but never dismayed. Both cherished high ideals of journalistic responsibility. They repudiated the practices of those editorial parasites who cultivate an animal instinct until it approaches human sagacity in selecting a popular issue and then promptly changing it when the babble and jingle of current furor subsides. The editor who adopts this standard influences nobody; he permits everybody to influence him. He drifts with the tide, sprinkling all his utterances with a sterilized mist until the drift is discerned. Whether afflicting mankind through the pages of the daily yellow, the weekly roast, or the monthly muck-rake, he is a functional derelict.

No such perversion of allegiance marred the record of Wheelock and Driscoll. They were early in adopting and persistent in maintaining the standards of the press which made public opinion the paramount force in society and government. Healthfully directing this public opinion, the press of those days became an instrument of communication, a vehicle of influence; not the creator of civilization, but a marvelous engine for its diffusion; not perhaps moving the world, but moving with the world, and recording all its movements. In this capacity it developed into a ramified, radiating, educational institute, in whose laboratories the best thoughts and most prac-



tical intelligence were raw material, to be worked and reworked into progressive institutions.

While Mr. Wheelock had little or no taste for business details and left them all to his capable partner, it does not follow that Mr. Driscoll was equally unconcerned with matters pertaining to the editorial province.

Sarcasm and stigma have been lavished by unthinking phrase-coiners and wind-spinners on the charge that certain newspapers are "edited in the counting room." In one sense, the paper that is not edited in the counting room will not be edited at all, for any considerable length of time. Nor does this fact presuppose venality, or a lapse into the paths of consolidated corporation publicity. Even in the most independent and progressive journals, the business manager must be consulted as to the broad lines of editorial policy, as to allowable expenditures for news service, and as to the personnel of the staff, as well as their compensation. He thus becomes, to all intents and purposes, the managing editor, and has weighty prerogatives outside the vital function, naturally assigned to him, of providing the ways and means.

Mr. Driscoll was all this to the Press and the Pioneer Press for thirty-six years. He probably wrote few editorials. He probably censored few of Mr. Wheelock's writings,—it might have been better for the paper and the party if he had censored more of them, for his was the cooler brain. But that he fortified many of the strongest positions, energized many of the most creditable achievements and inspired many of the most trenchant utterances, is a well established truth of history. Thus in the broadest meaning of the term, Frederick Driscoll was a journalist.

From the conjunction of Wheelock and Driscoll, in the ownership of the St. Paul Daily Press and the harmonious adjustment of their respective functions, dates the entrance of the latter into a field of state-wide influence. His great opportunity had come, and he embraced it with the ardor that vitalized all his enthusiasms. He became a militant Minnesotan.

Sir Isaac Newton, modestly disclaiming praise for his scientific triumphs, attributed them to the broader vision he en-



joyed through standing on the shoulders of giants who had preceded him, Galileo and Kepler and Copernicus and the rest. To these he yielded primacy of honor.

But the early Minnesotans had no predecessors in their splendid work. They did not stand on the shoulders of giants. They were giants themselves, as if nourished on lions' milk and the marrow of bisons. Toiling terribly, they wrought mightily in their several spheres, each solicitous to do his manly part in building and embellishing the grand structure which his prophetic eye clearly discerned.

Minnesota was an empire from the day it was founded. Saint Paul was a city at the hour it was born.

There were giants in those days, and Frederick Driscoll was with them and of them. He stood shoulder high with the pioneers, like Alexander Ramsey and Henry M. Rice and H. H. Sibley and William R. Marshall. He kept step with the developments worked out by E. F. Drake and W. L. Banning and W. F. Davidson and George L. Becker and Oliver Dalrymple and Thomas Lowry and James J. Hill, the empire builders, the men who did things. He sat in council with such financiers as Erastus Edgerton and Horace Thompson and H. P. Upham. He measured up to the intellectual standard of jurists like Gillfillan and Cornell and Cole and Flandrau and R. R. Nelson and George B. Young. In politics, he was the trusted adviser of Windom and Pillsbury and Dunnell and Washburn and Wilkinson and John B. Sanborn and Cushman K. Davis; the dreaded antagonist of Donnelly and Eugene Wilson and Norton and Cogswell. He was the co-worker in business enterprise with John Nicols and C. D. Strong and P. H. Kelly and C. W. Hackett and Channing Seabury and J. C. Burbank. He worked in the ranks of journalism for the upbuilding of the State, heart to heart with J. A. Wheelock and W. S. King and J. A. Leonard and Daniel Sinclair. He walked hand in hand, in gracious deeds of philanthropy and benevolence, with D. W. Ingersoll and Wilford L. Wilson and D. R. Noyes and Thomas Cochran. With bowed head, reverently, he marched abreast of churchmen like S. Y. McMasters and D. R. Breed and E. D. Neill

and H. B. Whipple and John Ireland, in paths that lead to righteousness through Christian faith and hope.

It were an honor to any man who sustained himself for a long series of years on terms of acknowledged equality in a companionship like this, emulating the brotherhood at King Arthur's table round, the goodliest fellowship of famous knights whereof the world holds record. Frederick Driscoll thus sustained himself and more. In numerous vital emergencies, he was pushed forward, in one or another of these several fields of usefulness and honor, to a position of applauded leadership, and in no such case did he fail to vindicate amply the preferment.

His early outlook and outreach had even a wider significance. They comprehended questions of national import, and involved considerations of loftiest patriotism. Mr. Driscoll was not only a Territorial Pioneer, but was a staunch and loyal supporter of Lincoln and the Union in the dark and bloody days of the war for the suppression of the slaveholders' rebellion, the days that tried men's souls.

The issues of the hour were clearly defined. In regard to them the paper published by Wheelock and Driscoll sounded always the clarion note of unconditional loyalty. The dominant issue was the life of the Republic. On that question there could be no equivocation or compromise,—he who was not for the country was against it. And in all the years succeeding, these patriots of the war era were ever the champions of the veteran soldiers of the Republic in every just appeal to the gratitude of the nation. The predominating tenet in their creed of civics was aggressive, progressive Americanism.

My personal acquaintance with Mr. Driscoll began at the first meeting of the Minnesota Editorial Association in February, 1867. He was the chairman of the local committee which invited the editors of the state to come to St. Paul. He was master of ceremonies at the initial assemblages, toastmaster at the banquet, and in general the director (if not the originator) of the movement which during forty-four years has done so much for the publishing fraternity of Minnesota, meanwhile developing into a powerful national association, which origi-

nated here. The state organization was, from the beginning, with the full approval of the city members, specially devoted to the interests of the country press, but, as one of its founders, Mr. Driscoll always felt a personal pride in its prosperity.

In 1867 he was appointed Chairman of the Republican State Central Committee, and held the position until 1870, conducting with skill the campaigns which resulted in the second election of Governor Marshall and the first election of Governor Austin. He was during this period and subsequently the moving spirit in what we called "the Ramsey dynasty," the inner circle of leading Republicans who had in charge the political fortunes of Senator Ramsey. Governor Marshall, Gen. R. N. McLaren, Mr. Driscoll, and Mr. Wheelock, composed this inner circle, and they so managed affairs as to indicate, with a view to the Senator's continued tenure, most of the nominations for state officers, Congressmen, etc., as well as most of the appointments to Federal positions, during at least a full decade of Minnesota history. It was a puissant combination, devoted to what its members then believed to be a laudable purpose, as indeed is now conceded by some of their surviving opponents.

In May, 1870, Joseph A. Wheelock was, on the recommendation of Senator Ramsey, appointed Postmaster of St. Paul, by President Grant. The office in those days was usually treated as a sinecure, a political perquisite, not necessarily involving personal attention to its duties. The previous incumbent, Dr. J. H. Stewart, had continued his lucrative medical practice without interruption. Mr. Wheelock made Mr. Driscoll assistant postmaster, thus accomplishing the doubly desirable object of ensuring a competent business supervision of the post office and of securing a welcome recourse, for upbuilding the Republican party organ, of perhaps seven thousand dollars a year from their united salaries.

During the five years they filled these positions, Mr. Driscoll gave all necessary attention to the postal work. In the beginning he demonstrated his executive ability by choosing Patrick O'Brien, from among his employees in the Press counting room, to handle the post-office money and keep the accounts. Mr. O'Brien is there today, having served continuously as As-

sistant Postmaster since 1875, with the unqualified approbation of all succeeding administrations. Compared with its present operations and functions, the St. Paul post office was in 1869 of limited scope. But even then it was important, as the center of an expanding mail system. Mr. Driscoll managed its affairs efficiently, introduced many substantial reforms, and when, by the mutations of politics, Dr. David Day became postmaster in 1875, turned over to him the well organized up-to-date postal plant which it has ever since remained. If Mr. Driscoll had done nothing else that was noteworthy during his post-office incumbency, the discovery of Patrick O'Brien and his induction into the service would be a title to public gratitude.

Senator Ramsey's second term expired March 4, 1875, and his friends waged a furious campaign for his re-election, of which campaign Mr. Driscoll was the commander-in-chief. Three candidates for Republican support were entered against him,—C. K. Davis, W. D. Washburn, and Horace Austin. After long delay and much heart-burning, Hon. S. J. R. McMillan, chief justice of the Supreme Court of the state, was elected as a compromise. Alexander Ramsey retired from the Senate, and the Saint Paul Press lost faith in the virtue of the party, if not in the perpetuity of the Republic.

One of the earliest official acts of Senator McMillan was to demand the removal of Mr. Wheelock and the appointment of Dr. David Day, the Senator's brother-in-law, as postmaster of St. Paul. Party usage constrained President Grant reluctantly to acquiesce, and the change was made. Mr. Driscoll ceased to be de facto postmaster, but left his salutary impress and his proficient helper behind him.

Shortly after this occurrence the startling announcement was made that the Pioneer and the Press had been consolidated under the management of Wheelock and Driscoll, and that the Pioneer Press was to be conducted as an independent journal, a thing then unprecedented in Minnesota politics.

By this consolidation, the oldest newspaper in the state, the Pioneer, became the senior segment of the coming colossus of the Northwestern press. The merger took effect April 11, 1875. A year later, the Pioneer Press acquired the Morning



Tribune and the Evening Mail, at Minneapolis, suspended their publication, and for a time held a monopoly of the daily newspaper field of the Twin Cities, except the St. Paul Evening Dispatch.

Mr. Driscoll was necessarily the prime factor in negotiating and effecting these several fusions or amalgamations, in each case adding to the prestige and profits of his great journal. Whether the ablest survive, or only those ablest to survive, the survivals concededly receive the credit and reap the rewards. In his admirable history of Minnesota Journalism, in this Society's Collections (Volumes X and XII), Mr. D. S. B. Johnston traces the pedigree of the Pioneer Press, and shows that nineteen daily and weekly newspapers were first and last absorbed into its ravenous organism.

The Pioneer had been a Democratic paper, and the Press had been Republican. It seemed to be both logical and prudent that the consolidated sheet should be independent. But its new owners were too sincerely attached to their party principles, and had too long held front seats in the party councils, to refrain permanently from partisan and even factional interposition. Within two years the Pioneer Press was as solicitous for Republican nominations as the familiar Press had been for fifteen years preceding.

In the interim of attempted neutrality, however, the Republicans of the state, feeling lost without an "organ" at the capital, which was then deemed essential to the maintenance of party ascendancy, purchased from H. P. Hall the Democratic St. Paul Evening Dispatch, and transformed it into an exponent of unconditional Republicanism. Thenceforward for ten years the Dispatch was mostly under the editorial control of the writer hereof. During that period and long afterward the Dispatch at least shared equally with the Pioneer Press the honors of a consistent advocacy of Republican principles, and of choosing the winners among Republican candidates for nominations,—in the latter performance the two papers being invariably on opposite sides.

After 1875 Mr. Driscoll's aggressive personal leadership in political contests had measurably ceased. In 1879 he led a suc-



cessful campaign for Governor Pillsbury's third term nomination; in 1881 he tried to rehabilitate Alexander Ramsey as a senatorial candidate, but failed; the same year he supported Governor Pillsbury's unsuccessful candidacy for a fourth term; in 1883 he was prominent in the movement to re-elect Senator Windom, who was defeated. In these struggles he was of course supported by the Pioneer Press, which was antagonized by the Dispatch and by ninety per cent of the Republican country papers throughout the state. The scepter had departed.

As a result of these and other episodes, the Pioneer Press and its conductors gradually lost in political prestige. But in the legitimate newspaper field, in news gathering, in the intelligent presentation and discussion of important events, in expanding circulation and increasingly profitable advertising patronage, the enterprising journal went on conquering and to conquer. As always, Frederick Driscoll guided its financial destinies. His eye was on every detail of its complicated business, and that of the manufacturing and mercantile branches he had built up around it, the printing, binding and lithographing establishment, the wholesale paper and stationery trade, and the ready-print auxiliary, each an industry in itself.

Yet amid all the exacting demands of this, the busiest time of his busy life, he always found leisure for cheerful participation in matters relating to the public welfare. In this capacity he was one of the strongest and most useful men our city and state have ever known. The real value of his truly unselfish service cannot be overestimated. He was the cultured man, the gentleman, in the highest meaning of those expressions. Yet his was a militant soul. He was not merely a good man negatively; he went out and fought for the faith that was in him.

His interest in everything that pertained to business extensions, municipal policies, and official responsibilities, made him a leader among the men who were shaping the evolution of our ambitious and struggling young city. Every step in St. Paul's advance had to be worked and fought for against

vigorous rivalry. No more zealous worker or more chivalrous fighter than Frederick Driscoll contributed to the ultimate victory.

One of the chief instrumentalities through which the un-failing public spirit of Mr. Driscoll was manifested was the Board of Directors of the Saint Paul Chamber of Commerce. During thirty-five strenuous years this organization had an influential part in shaping the policies which built up the metropolis out of a struggling trading post. During that period, I sat with him in that body, composed of about fifty active citizens in professional and business lines, who met at nine o'clock every Monday morning to discuss and act on measures of general interest. Thus I witnessed his intelligent zeal for the public good, saw the results of his arduous labors on many committees, learned to recognize and admire his self-reliant leadership at critical crises in our municipal annals. In 1890, at one of its most strenuous epochs, he served as president of this powerful organization.

Among the numerous important matters in which he thus exercised a potent influence, were the extension of early railroad systems and the location of their shops and headquarters; securing manufacturing and commercial establishments; building two State Capitols, the Court House, the Federal Buildings, depots and hotels; locating schools, colleges, parks, bridges, and street car lines; regulating taxation and bond issues; establishing water works; encouraging immigration; and promoting all enterprises that promised benefits to the people. Scarcely one of these failed to receive the special impress of his good sense and untiring effort.

A typical instance of Mr. Driscoll's single-hearted devotion to his conception of civic duty occurred in 1890. In that year the Chamber of Commerce appointed a committee on the Census, instructed to stimulate, by legitimate means, the federal authorities in securing a full and fair enumeration of this city. The committee consisted of Frederick Driscoll, Charles Nichols, and the writer hereof. It was a period of intense rivalry between Minneapolis and St. Paul, and without the knowledge of our committee the acting mayor of this city, Mr. O. O.

Cullen, employed skillful detectives to watch the census operations of our aggressive twin. Unmistakable evidence was secured that systematic methods for improperly swelling the population rolls were being employed there. Advised of this, the St. Paul census committee made complaint to the census bureau at Washington, which, on investigation, found that a flagrant violation of law was being perpetrated. Warrants were sworn out; the two managing agents of the conspiracy were arrested; a wagonload of incriminating fraudulent schedules was secured, and the scheme by which it was proposed to add 50,000 names to the lists was thwarted.

A stupendous explosion of local indignation promptly ensued. The honest people of Minneapolis, innocent, and ignorant of the work in which a few of their unscrupulous leaders had been secretly engaged, denounced the seeming outrage of the proceedings taken in St. Paul, and blazed forth in fierce wrath against those responsible for it. Well to the front among those who were thus marked for vengeance was Frederick Driscoll. He had most to lose, but he did not shirk nor quail. The Pioneer Press had then a large daily circulation and a profitable advertising patronage in Minneapolis, which was lost in a day and was never afterwards regained. But Mr. Driscoll and Mr. Wheelock and their paper stood by their guns at the cost of many thousands of dollars, and of a journalistic "dual city" prestige which had been their joy and pride.

They were sustained by St. Paul sentiment. The movement resulted in a fair count in both cities. The arrested criminals were indicted, pleaded guilty, and were punished by heavy fines, thus vindicating the proceedings taken and those concerned in them. But the pecuniary loss suffered by the paper and its owners was, of course, never recompensed. It was a deliberate sacrifice to the obligations of good citizenship, as understood by those who made it.

Another manifestation of Mr. Driscoll's progressive public spirit was seen in the fine buildings he caused to be erected in St. Paul, and in his participation in the development of suburban property. When I first met him, the Press office was a dilapidated half-subterranean structure at the Wabasha street

bridge. In 1869 he built a new and, for the time, elegant stone building at Third and Minnesota streets. Five years later, this being outgrown, its capacity was increased fourfold by additions to its length, breadth, and height. About 1888, he built the magnificent Pioneer Press Building at Fourth and Robert streets. He scrutinized every feature of its construction with careful attention. After more than twenty years it still remains the finest structure in the city, a monument to his far-reaching enterprise. Now that the newspaper plant has been removed, it ought to be rechristened "The Driscoll Block," as a tangible and enduring tribute to his memory. On Summit avenue, he built one of the most sumptuous of its stately homes, that now occupied by Mr. Frederick Weyerhaeuser. He was the leader in building up a prosperous manufacturing suburb at North St. Paul, an undertaking in advance of the demands of the time, and of no pecuniary profit to himself or his associates, but now partially recognized as a valuable tributary to the city.

A crucial test of individual merit is the estimation with which one is held by those in long and near association with him as subordinates and employees. On the whole, several thousands of persons were employed in the various departments of the allied concerns managed by Mr. Driscoll, and few indeed will be found that did not see in him a helper and a friend. In the best newspaper offices of the country, in banks and counting rooms, from ocean to ocean, will be found successful men who are earnest in their ascriptions of praise for the training they received at his hand. In the higher ranks of the writers attached to his editorial staff at different periods were such strong and able men as Louis E. Fisher, Charles Yale, Harlan P. Hall, David Blakeley, James H. Davidson, Paul Selby, F. A. Carle, J. G. Pyle, Conde Hamlin, W. C. Handy, and others equally notable, each abundantly equipped for independent service, but all paying to their one-time employer the homage of their respect and esteem.

Owing to mutations of fortune caused by conditions which he could not foresee, and for which he was in no way responsible, Mr. Driscoll surrendered the management of the Pioneer



Press corporation on December 1, 1899, after a continuous service of more than thirty-six years.

The momentum given to its varied business operations by his masterly supervision was so powerful that all have been maintained unimpaired to this day. During the intervening eleven years, the newspaper has passed to the ownership of Mr. George Thompson, Proprietor of the Dispatch, both journals retaining their old names and their individuality as to hours of publication, etc.; the Newspaper Union ready print department has become a separate institution; the manufacturing and commercial branch has organized into the Pioneer Printing Company, with Mr. Walter J. Driscoll as its president; the superb office building is now under distinct proprietorship and control. Thus the great enterprise built up by Frederick Driscoll has been segregated into at least four flourishing establishments, each requiring unremitting diligence and exceptional managerial skill.

At the age of sixty-six, two years beyond the supposed limit of efficiency in officers of the army, he laid down the special burden he had carried for a generation, but he did not retire. On the contrary, he entered on a new career, which led him into even higher, wider ranges of endeavor than those in which he had previously toiled and triumphed.

He had already become a national figure in lines connected with practical journalism. He was one of the founders of the Associated Press, the universal news-gathering agency of the country. In 1881 he became one of its directors, and for ten years served on the Executive Committee of three, which governed its affairs. He was also a member of the Executive Committee of the American Newspaper Publishers Association, embracing the dailies of all the principal cities. In 1891 he was chosen chairman of a special committee of this body to examine the merits and possibilities of type-setting machines, then regarded with suspicion by publishers and with open hostility by printers. After patient and thorough investigation this committee recommended the adoption of the new invention in newspaper offices, thus revolutionizing the business, making



the cheap newspaper possible, and vastly extending the facilities for the diffusion of human knowledge.

Thus prominently identified with the leading publishing interests by long association, his colleagues at once availed themselves of the opportunity, when he left the Pioneer Press, to enlist his services in a very important capacity, for which he was known to possess rare qualifications. A national board of arbitration was created. It was composed of the special standing committee of the American Newspaper Publishers Association and the executive council of the International Typographical Union. Of this national board Frederick Driscoll was early in 1900 made Commissioner of Arbitration, with wide discretionary authority and a liberal provision as to salary and expenses.

The duties of this position covered the adjustment of all controversies between publishers and printers. They were complicated and exacting, involving the weariness of long journeys across the continent, the strain of settling acrimonious disputes, and the labor of framing agreements between the parties thereto. His long experience as a publisher, his firm but conciliatory and diplomatic methods, enabled him to handle questions of extreme delicacy, in which large money considerations were at stake, as well as pride of opinion and issues seemingly irreconcilable between labor and capital. He was implicitly trusted, from the beginning, by the publishers, and soon grew to be held in the highest esteem by the labor unions. Ever insisting on justice, his conduct was so eminently fair and his manner so persuasive that he effected a complete adjustment in every case submitted to his arbitrament,—a record unparalleled in the history of trade contentions. He assuredly earned in this life, and has received in the life beyond, the blessing promised to the Peacemakers.

He was a pioneer in the movement for better relations between employer and employed. He had no precedents to guide him. He was obliged to blaze his way through a forest of tangled prejudices and animosities, arrogant defiance on one side, and sullen contumacy on the other. These had brought strikes and lockouts, sometimes riots, always costly to both parties,

demoralizing the community and paralyzing its productive industries.

Various remedies had been tried, all of which had failed. Finally the publishers and printers decided to seek relief in a policy of conciliation and arbitration. As a motto they might have combined the phrases of two eminent Union commanders: "War is hell—let us have peace!" Providentially they found Frederick Driscoll competent and willing, and with leisure to inaugurate the experiment. Organized labor and the associated employers of labor saw in him a mutual friend. Expert, just, patient, persistent, and ever kindly, he always found in the end a common ground of fairness on which all could meet and frame a satisfactory agreement for their future guidance.

He gave himself to this fruitful mission, with ever increasing capacity for good, during the remainder of his life. How fully he succeeded in accomplishing the duty assigned him, is most conclusively shown by the voluntary tributes transmitted to his family, after his decease, by the national jurisdiction best qualified to appreciate his work.

A memorial brochure, beautifully engrossed and bound, contains Resolutions adopted and signed by the National Board of Arbitration, including James M. Lynch, Hugo Miller, and J. W. Bramwood, representing the International Typographical Union, which read:

"Whereas, death has summoned from among us Frederick Driscoll, Commissioner of the American Newspaper Publishers Association, and Whereas, the members of this National Board of Arbitration desire to bear witness to their very high appreciation of his valued services to the Publishers as well as to the International Typographical Union, to his fair-mindedness and unceasing efforts to promote the mutual interests of employers and employees, and to his many estimable and lovable qualities as a man; Therefore, Be it Resolved, that the members of this board feel that in Frederick Driscoll's death they have lost a distinguished associate and a warm personal friend."

An equally sumptuous volume, suitably embellished, contains the Memorial to Mr. Driscoll from the Publishers' Association of New York City, adopted March 27, 1907.

It is signed by the publishers of the New York Times, the Tribune, the Sun, the American, the Journal of Commerce, the

World, the Evening Post, the Staats-Zeitung, the Brooklyn Eagle, etc., and is of similar tenor. These two testimonials constitute a significant and conclusive tribute to his exalted worth. They will be a precious heirloom for his descendants.

Innumerable editorial tributes to his memory from the press of the United States testified to the esteem in which he was held by associates of all parties and in every section. In these conspicuous mention was made of the beneficial results accomplished by the Arbitration Commissioner during his seven years' arduous service.

The distinguished success of Mr. Driscoll in this new field, of adjusting the relations between employers and employees, led to its adoption in other branches of industry, and the process of extending the policy of arbitration is still going on. Comments at a meeting of another national body, which has entered upon the same course are as follows:

"Plans for the elimination of strife are not only going to meet with the approval of trade unionists, but are going to be sanctioned by the general public, who are anxiously awaiting the evolution of things, so that warfare between employers and employees may be averted. In the struggle for supremacy between organized capital and organized labor, there are three great forces at work. At one extreme there are those who say that trades unions are un-American and a menace to our Republic. To bring about their annihilation they accumulate corruption funds, maintain lobbies, hire strike-breakers, and through court proceedings try to tie up the funds of the Unions. At the other extreme we have the radicals who declare that wage-slavery must be abolished, and that only through publicly owned monopolies is industrial peace possible. Between these two extremes lies the Arbitration idea. Its guiding principle is the making of collective instead of individual contracts, and the adjustment of points of dispute by arbitration. Our plan of action is to form a coalition with the unions for the purpose of maintaining peace. It is understood that the exigencies of the business must be taken into consideration, so that the customer may be treated with fairness and not have to pay the onerous expenses of strikes and lockouts."

Wherever tried in good faith this policy is said to be effective for the object intended. Peace is promoted with profit to both sides and to the general public. Thus the results of the culminating exploit of Frederick Driscoll are spreading in great waves of benignity over the land. If the permanent meliora-

tions that are now reasonably expected shall be compassed, he will be conceded high rank among the nation's benefactors.

Mr. Driscoll's engagements as Commissioner of Arbitration required the establishment of his headquarters in Chicago, and he removed from St. Paul to that city in 1900. Thereafter he was obliged to travel almost continuously in the performance of his duties. A naturally robust physical constitution, fortified by the good habits of a lifetime, had kept his general health sound; but an organic trouble, requiring, in the aggregate, seven severe surgical operations, sapped his vitality by degrees and led to almost ceaseless suffering. In spite of these afflictions he went on with his work for seven years, heroically battling to the last with bodily tortures that would have baffled any but an unconquerable will.

Finally, in March, 1907, he felt unequal to further service as Commissioner, and tendered his resignation to the Arbitration Board. He was urged to accept an unlimited sick-leave, with continued salary and provision for the expenses of a trip to Europe in search of relief. This striking proof of appreciation touched him very deeply, but its suggested advantages could not be realized. He gradually failed, and on March 23, 1907, he passed peacefully away at his home in Chicago. Only two weeks before his death he had rendered valuable assistance, by wise counsel, in the settlement of a labor disagreement. He thus died, literally and appropriately, with his armor on, after an extended career of activity and usefulness and honor.

The funeral services were held in Saint Paul, March 26, 1907, and were conducted by Dr. Henry C. Swearingen, pastor of the House of Hope Church. The pallbearers were W. J. Dean, E. L. Shepley, Webster Wheelock, Conde Hamlin, J. D. Armstrong, and Dr. Archibald McLaren. The interment was at Oakland cemetery.

He rests in peace. He had kept the faith. He had lanced a festering abscess in the body politic and applied healing lotions. He had stretched fresh wires into the domain of industrial economics and electrified them with his soul.



Mrs. Ann Brown Driscoll died March 31, 1880, leaving three sons. On November 8, 1882, Mr. Driscoll was married in New York City to Mrs. Lucy Norris Styles of St. Paul, who shared his successes and labors for twenty-five years. Mrs. Driscoll now resides in this city. There also survived him, his sons, Frederick Driscoll, Jr., Arthur B. Driscoll, and Walter J. Driscoll; his daughter, Mrs. Robert H. Kirk; and his step-son, John N. Jackson.

In regard to the personal character of Mr. Driscoll, I speak from the fullness of knowledge and appreciation born of forty years' intimate acquaintance. In politics we were sometimes in relations of affiliation, but often in those of intense antagonism; in business life we were at times in keen rivalry, yet more frequently in close and harmonious association. But we were always personal friends, and all my recollections of him are illuminated by the sincere respect which flows from an abiding friendship and affection. My sentiment is one of devotion to his memory, inspiring a desire to record some of his titles to grateful remembrance. It is my hope that the Minnesotans of today and of the future may keep, around the spot where he sleeps, the vigils of their heartfelt gratitude, evincing the same constancy and fidelity with which he gave his best endowments to their service.

In his private life Mr. Driscoll was, from boyhood and in all relations, an exemplar of correct morals and earnest religious convictions. He stood for what is best in framing the elements of our Christian civilization, the hope of the country, the light of the world. He was one of the first members of the House of Hope Presbyterian Church of St. Paul, and was a leader of the choir in its early days. He served for many years on its board of trustees, and was always a generous contributor to its denominational and benevolent agencies. By precept and example he lent encouragement to every judicious effort for the regeneration of society and the uplift of the race.

In social circles his genial manners, added to his fine conversational powers, brought to him many sincere and trusting friends. When recreation for a season drew him aside from his arduous labors, it was with the most lively satisfaction and



pleasure that he gave himself up to the full measure of social enjoyment; his conversation sparkled with wit and humor; his manner, winning with a fine civility, was frank, tender, and trusting. In fraternal societies he was prominent and popular. He was a Mason of the thirty-fourth degree, and fulfilled all obligations faithfully. He was the incarnation of unconditional loyalty,—loyalty to his country, his home, and his friends. He was chivalrous to women, and little children loved him.

In his ideal home life the amiable elements of his character were most pleasingly manifested. Those permitted even casual observations of that life were always impressed with its beautiful, affectionate simplicity. Methodical in business, even abrupt and emphatic at times, he was always in his home the devoted, thoughtful, considerate husband and father. His tender solicitude for the comfort of an invalid wife during several of the most toilsome, perplexing years in the prime of his manhood, was a revelation of his inmost soul that commanded the enduring regard of all who witnessed it.

He was a courageous man, having the courage of his opinions. No hope of temporary advantage could ever tempt him, no flattery could cause him to swerve from his view of the right. Steadfast in the convictions of a well-matured, well-balanced mind, he stood firm in his position, and hence he was a wise counsellor, and a true friend. He could say No! and mean it, and stand by it. Thus accoutred, he went forward, taking no counsel of doubts or fears. In the corrupted currents of the time Frederick Driscoll was incorruptible. In the thick of the fray he played the part of a man.

Mr. Driscoll had many of the true elements of greatness. He was manifestly something more than a fortunate man. What there was of greatness in his personality or his career is due not alone to good fortune, but to a blend of certain inherent qualities, the qualities of honesty, generosity, firmness, and patriotism.

Exceptional faculties of perception, reception, and retention, joined to untiring industry,—these constitute real greatness, and, given or making opportunity, achieve distinguished

success. Measured by the most exacting standards, Mr. Driscoll was a successful man. It was not a success acquired by fortunate accident, nor by any sensational exploit, nor by the manipulations of frenzied finance. It was that which results from patient industry, careful thought, unceasing persistence, and a wonderful faculty for securing loyal service from employees. One may pardonably felicitate himself on being honored with the confidence of such a man.

For nearly forty years he was the controlling genius of a great newspaper plant, as well as of an extensive manufacturing establishment, and, latterly, of commercial adjuncts, all managed by one corporation of which he was the head. He did not inherit this property; he did not acquire it by doubtful means, or even purchase it ready made. He created it. He built it up and he grew with it, grasping and wielding its enormous influences, mastering its innumerable details, until, in all its business aspects at least, his name and that of the publication with its auxiliaries became interchangeable terms,—all the activities of the corporation were vitalized with his individuality.

What sturdy development a man's nature may receive from a long period of sustained service at the head of a great industrial enterprise, has been copiously observed in this era of marvelous expansion. The industrial manager entertains no prejudices and plays no favorite. He never indulges in malicious animal dogmatism. He knows that success depends on preserving an absolutely open mind. His constant incentive is efficiency, and yet more efficiency. He knows that he is operating in a realm where brains are daily subjected to the polishing of the fiercest competition known to man.

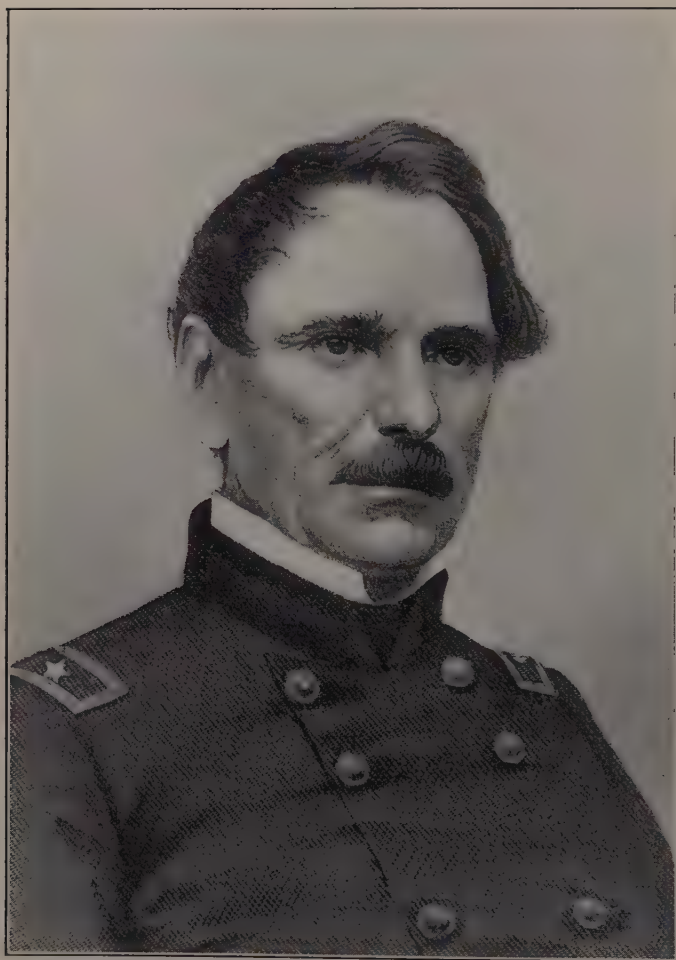
Frederick Driscoll's career, with its share of trials and reverses, was a success. It is full of good example, and of noble encouragement to the young men of today. He took the buffeting of ill fortune with fortitude, and accepted good fortune gratefully, but without false pride. Born and reared with no wealth, with no inherited prestige to rest upon, alone with his own great mind and energies, he became one of the notable men of a notable era in this wonderful new Northwest.

He was easily one of the foremost in the front rank of his contemporaries. He left the indelible impress of his exceptional talents, his tireless industry, and his inflexible integrity, on many features of the advancement of this city, of this State, and of the embryo communities beyond our Western border, which for three decades looked to this center as a source of information, of political guidance, of commercial and financial tutelage.

And perhaps his last days were his best days. Having served faithfully in diverse fields of local effort, with wide radiations of beneficent influence, he was, at an age which entitled him to retirement and rest, transferred to spheres of national achievement, yielding distinction it is the privilege of few to win.

He did not retire, and he did not rest. Well past three score years and ten, his untiring energies still consecrated to good works, he fell, at last, a mailed warrior of the Empire of Peace and Civilization, "rich in honor and glorious with praise."





*W. H. Smith*

MINNESOTA HISTORICAL SOCIETY.  
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GENERAL JAMES SHIELDS,  
SOLDIER, ORATOR, STATESMAN.\*

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BY HENRY A. CASTLE.

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James Shields was born in County Tyrone, Ireland, May 12, 1806. Many authorities place this date four years later, but the original family records, now in the hands of St. Paul relatives, confirm much collateral evidence of the correctness of this statement. He was of notable ancestry. In the paternal line it was distinctly Irish and Catholic, but a great-grandmother was English, and his mother was Scottish. For generations the Shields family were people of property, education, and consideration, living at Cranfield, County Antrim, Province of Ulster. At the battle of the Boyne, in 1690, Daniel Shields and four sons fought on the losing side, that of King James II. There the father and one son were killed. Two of the surviving sons went to Spain, where one of them became a general and finally Captain General of Cuba. Daniel, the youngest son, remained in Ireland, but suffered from the confiscations and banishment visited on the Catholic soldiers of the dethroned king by William of Orange, the victor.

This Daniel married an English girl, whom he had romantically rescued from drowning, and settled on mountain land at Altmore, County Tyrone. He was the direct ancestor of the future American general and senator. Charles Shields, a grandson of Daniel, married Katherine McDonnell, of Glencoe, Scotland, lineage, a woman of education and refinement. To them were born James, the subject of this memoir, Daniel, and Patrick, who thus inherited an infusion of the Scotch-Irish blood which has been manifest in many distinguished Americans. Daniel was the father of Lytton E. Shields and the grandfather of James Shields and Lytton J. Shields, all of whom have long resided in Saint Paul.

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\*Read at the monthly meeting of the Executive Council, April 13, 1914.

Charles Shields died when his son James was only six years old, but the mother, with her Scottish industry and thrift, raised her three boys well, giving them the best of existing educational facilities. James received some special attention, having early developed a taste for books which remained with him during his long and active career, and which was of great value in fitting him for the high positions that he occupied. Soon after his father's death, his uncle and namesake came from America, where he had lived for many years. The elder James had fought in the War for Independence, and in the War of 1812, on the American side, having been wounded in the Battle of New Orleans. He remained in Ireland for a few years, during which time he acted as schoolmaster to young James and laid the foundation for his military bent. This uncle had been professor of Latin and Greek in Charleston, S. C. The boy made rapid progress, and the uncle promised that when he grew older he would bring him to America and make him his heir. At that period also Ireland was full of old soldiers who had served in the British army in long campaigns against Bonaparte. From one of these young Shields learned fencing or sword exercise and became expert in that line. His early lessons in the military drill were from the same source, and the rudiments of a military education were acquired from books presented to him by one of these veterans. Supplementing the education received from his uncle, was a classical training from a relative of his mother, a clergyman from Maynooth College. One of the old soldiers also taught him French, so that when he migrated to America he was unusually well educated for a boy of that period.

Young Shields was a soldier by instinct. He drilled his school mates and led them in local battles with opposing clans. His shrewd devices, bold strategies, and firm discipline, made his force invincible.

In 1822, at the age of sixteen, James Shields, mindful of his uncle's alluring offer, sailed from Liverpool for America. But vicissitudes followed him. His ship was driven a wreck on the coast of Scotland, and he was one of only three survivors. He remained several months in Scotland as tutor in a wealthy

family. Then he embarked under better auspices. Arrived in America and failing to find his uncle, who had died in the interim, James adopted, for the time, a sailor's life, was purser on a merchantman, and became so expert in seamanship that many years later he was placed in command of a sailing vessel on the Pacific, whose officers were disabled, and brought her safely into port. His career as purser terminated in an accident, which left him with both legs broken and sent him to a New York hospital for three months.

He interrupted or supplemented this seafaring with service as volunteer in a campaign against the Seminole Indians. Authentic details of this episode are lacking, but he is said to have been a lieutenant and to have been wounded in battle, where he displayed marked gallantry. On this service rests his title of a soldier in three wars.

Having now reached years of discretion, through varied experiences, young Shields chose the law as his profession, and the old French town of Kaskaskia in Illinois as his field of labor. This town, the Territorial capital of Illinois, being also the county seat of Randolph county, had been founded by La Salle in 1682; was garrisoned by the King of France in 1710 with troops who in 1755 helped defeat Braddock at Fort Duquesne; and was captured by George Rogers Clark in 1777.

He supported himself by teaching school in and near Kaskaskia, his knowledge of the French language being of great value then and afterward. He was admitted to the bar in 1832, and opened an office. He gained so rapidly in acquaintance and popularity, that in 1835 he was elected a representative in the State Legislature, as a Democrat from Randolph county, then overwhelmingly Whig in sentiment. He took his seat at Vandalia, the state capital, in January, 1836. Here he met, as fellow representatives, Douglas, Lincoln, Browning, Hardin, Baker, McClernand, and other young athletes of politics. Shields easily took his place on terms of equality in this distinguished company. His personal appearance and manners were engaging. He was five feet nine inches tall, of fine figure and graceful bearing. His voice was well modulated; his speech frank, clear and resolute. He was prominent in debate

and influential in council. It was a critical time in the affairs of Illinois, the inauguration of a policy of extensive public improvements, in which the youthful legislator bore a progressive part.

Shields served four years in the Legislature, gaining so much prominence that in 1839 he was elected State Auditor. Meantime, Springfield had become the state capital, and in 1840 he began his residence there, which continued for fifteen years. His administration was so successful that in 1841 he was re-elected without opposition.

While he occupied this important office he was involved in an "affair of honor" with a Springfield lawyer,—no less a personage than Abraham Lincoln. At this time "James Shields, Auditor," was the pride of the young Democracy. In the summer of 1842 the Springfield Journal contained some letters from the "Lost Townships," by a contributor whose nom de plume was "Aunt Becca," which held up the gallant young Auditor to ridicule. These letters caused intense excitement in the town. Nobody knew their authorship except the editor of the paper, of whom Shields demanded the name. The real author was Miss Mary Todd, afterward the wife of Abraham Lincoln, to whom she was engaged, and who felt bound to assume the responsibility for her sharp pen thrusts. Mr. Lincoln accepted the situation. Not long after, the two men with their seconds were on their way to the field of honor. But the affair was adjusted without any fighting, and thus ended the Lincoln-Shields duel of the Lost Townships. The antagonists were ever afterward firm friends.

Considering all the circumstances, the temperament of the respective parties, the customs and surroundings, there was nothing censurable in the conduct of either. Shields justly deemed himself grossly insulted and humiliated by some of the epithets in the letters, and bitterly resented. Lincoln felt in honor bound to represent his fiancée. Both displayed bravery in meeting the crisis and magnanimity in adjusting it. Times and customs have happily changed. Some mistaken friends on both sides have latterly felt impelled to discredit the whole story, but the truth of history demands that it be correctly



stated. Existing files of the Springfield newspapers contain all the correspondence, no material part of which has ever been controverted.

In 1843, Auditor Shields was appointed by the Governor as Justice of the Supreme Court of Illinois to succeed Stephen A. Douglas, who had been elected to Congress. He heard and decided many difficult cases. Among the great lawyers who practiced at the bar when Judge Shields was on the supreme bench, were Abraham Lincoln, John M. Palmer, Lyman Trumbull, O. H. Browning, E. B. Washburn, E. D. Baker, J. J. Hardin, Stephen T. Logan, J. C. Conkling, W. Bushnell, and Archibald Williams. All of these men afterward acquired distinction, many of them becoming United States senators, congressmen, and judges. That Shields, who was still a young man, sustained himself in such exalted company, and afterward, in war and in peace, fully maintained his position with them and others of nation-wide renown, is conclusive tribute to his ability and energy. An eminent Minnesota lawyer of a later generation has carefully studied the decisions of Judge Shields, as recorded in the Illinois Supreme Court Reports, and testifies that they bear conclusive evidence of a legal erudition and discrimination, rare in that period, and little to be expected of one so seemingly immersed in non-professional interests.

In 1845, President James K. Polk appointed Judge Shields Commissioner of the General Land Office at Washington. He was deeply interested in the important matters coming before this great bureau, and was solicitously preparing for such an energetic administration as the exigencies then demanded, when the outbreak of the Mexican War gave him a new opportunity of proving his devotion to his adopted country. President Polk, recognizing in him the qualities that constitute a great soldier, appointed him a brigadier general of United States volunteers. His commission was dated July 1, 1846.

At the siege of Vera Cruz General Shields distinguished himself, and gave good promise of other valiant service. This promise was amply fulfilled at the battle of Cerro Gordo and at the storming of Chapultepec. At the former battle his deeds of valor seem like those of Roland at Roncesvalles or Ney at Borodino.



At Cerro Gordo he was severely wounded while leading his men, but he refused to quit the field. He advanced to the charge, when he was struck in the chest by an iron grapeshot, an inch in diameter, that passed through his lungs. He fell into the arms of Oglesby, afterward United States senator from Illinois, and was carried from the battlefield to all appearances lifeless. The wound was skillfully treated by a French surgeon, who had been captured with the Mexicans, and in nine weeks he was again in the saddle.

For his gallant conduct on this occasion, he was brevetted Major General, and his commanding officers, Generals Twiggs and Scott, both mentioned him in most laudatory terms in their official reports. Four months afterwards, he led the celebrated charge of the "Palmettos" of South Carolina and the New York volunteers at the battle of Cherubusco, where the Mexicans, according to the official account of Santa Anna, lost one-third of their army. On the 13th of September, he was in the thick of the fight at Chapultepec. His horse having been shot under him, General Shields fought on foot, bareheaded and in his shirt sleeves, leading his brigade, sword in hand. His command led the van into the City of Mexico and first planted the stars and stripes on the halls of the Montezumas. Here Shields received another severe wound, a fractured arm, but remained with his brigade until the goal was reached. Among the young subordinates and subalterns in the regular service, who participated in this victory and won early distinction, were U. S. Grant, Joseph E. Johnston, Robert E. Lee, James Longstreet, George E. Pickett, and "Stonewall" Jackson.

One of the notable battle-pictures of the world, hanging in the corridors of the capitol at Washington, is that of the assault on Chapultepec, the citadel of the City of Mexico. It shows General Shields, easily distinguishable, in the thick of the fight, where he always loved to be. It thus, on the outer walls of the Senate, where ten years later he shed glory on Minnesota, certifies to his imperishable renown.

After the conquest of Mexico, and on July 28, 1848, General Shields' brigade was disbanded, and he returned, still feeble from his wound, to Illinois and resumed his law practice. His

State presented to him a sword that cost \$3,000, and South Carolina presented him a diamond-hilted sword which cost \$5,000. When he died, thirty-one years later, there were left to his widow and children the swords of Cerro Gordo, which, with his blessing, was about all he had to leave them.

President Polk, recognizing General Shields' valuable services in Mexico, appointed him Governor of the new Territory of Oregon. But his election to the senatorship, which immediately followed, prevented his acceptance.

The people of Illinois were not unmindful of the fidelity with which the General in his various civil and military capacities had served them. Although Senator Breese, then in office, had greatly distinguished himself and was a candidate for re-election, yet Shields' popularity was so great that he defeated Breese and was elected United States Senator for the term of six years, commencing March 4, 1849. When he presented his credentials some technical question was raised as to their regularity. He promptly resigned, returned to Illinois, and was at once re-elected.

He entered the Senate as the colleague of Stephen A. Douglas. He found there Webster, Clay, Calhoun, Benton, and Cass, who were among the grandest figures in our annals of statesmanship, while Chase, Breckenridge, Jefferson Davis, Sumner, Fessenden, and Everett, were already entering upon their several spheres of action. This was the beginning of the end of the slavery struggle, which affected nearly every important debate in the Senate. Shields was opposed to the extension of slavery, although his party was for slavery, and he did not hesitate to express his opinions on the subject. He was placed on important committees. His work in constructive legislation was intelligent, practical, and influential. He made many effective speeches. He advocated grants of land to agricultural colleges, to railroads, to soldiers, and to actual settlers under a liberal homestead law.

Probably the most significant speech of General Shields in the Senate was that delivered in January, 1850, on the bill for the admission of California. This speech fills many pages in the reports, and is saturated throughout with the spirit of patriot-

ism, the spirit of liberty, the spirit of wisdom, the spirit of prophecy. On the attempt by the South to force slavery on California, he said:

Sir, they are laying the foundation of a great empire on the shore of the Pacific,—a mighty empire,—an empire that at some future day will carry your flag, your commerce, your arts and your arms into Asia, and through China, Hindustan, and Persia, into Western Europe. Talk about carrying slavery there, of imposing such a blight upon that people, of withering their strength and paralyzing their energies by such an institution! No, sir; such a thing was never intended by God, and will never be permitted by man. It is sometimes urged here that our constitution carries slavery with it wherever it goes, unless positively excluded by law; in other words, that slavery is the normal law of this Republic. I think the principle is just the reverse. Slavery, being in violation of natural right, can only exist by positive enactment; and the constitution of this country only tolerates slavery where it exists, but neither extends or establishes it anywhere.

Concerning the Southern threat of secession, he philosophized thus eloquently and convincingly:

But suppose the Southern Confederacy was now established, that it was quietly and peaceably established this moment, what would be the actual condition of the Confederacy? It could not exist a single day without a close and intimate connection with some great nation having all the elements of industrial, financial and commercial power. The South possesses none of these elements. It has plenty of cotton, and it has brave men and lovely women, but it is wholly destitute of all the other material elements of national power. In fact the Southern Confederacy would be a mere colony of masters and slaves to raise cotton for the factories of England. Besides, sir, it is my firm conviction that the institution of slavery, as it now exists in the South, would not last, in its present shape, for the space of twenty years in that Southern Confederacy. The South might as well attempt to shut out the pressure of the atmosphere, as to shut out the whole pressure of the civilized world on its cherished institutions.

Senator Shields' term of six years expired March 4, 1855, and on February 8 preceding the Illinois legislature met in joint session to choose his successor. Shields was the Democratic caucus nominee, but the embryo Republican party was in the ascendant and elected Lyman Trumbull in his stead. On the first ballot Shields received 41 votes, Abraham Lincoln 45, Lyman Trumbull 5, and 5 votes were scattered. On the last ballot the anti-Nebraska men concentrated on Trumbull and

elected him, thus saving Lincoln for the great debate with Douglas three years later which made him President in 1860.

On leaving the Senate in 1855, General Shields came to Minnesota to select some lands that had been awarded for his war service. He was so favorably impressed with the country that he decided to go East and organize a large colony of Irish-Americans to settle on the fertile soil of Rice and Le Sueur counties. His project met with much general approval, but was vigorously opposed by Archbishop Hughes, then at the head of the American hierarchy, and was only partly successful. That this opposition policy was a mistaken one, both for the church and the people, was clearly shown twenty-five years later by the grand work of another and a greater Archbishop, our esteemed prelate and citizen, John Ireland. What Shields, unimpeded, might have accomplished, with an earlier start and better opportunities, can only be imagined. His wisdom and prescience can only be commended. He saw, as in a vision, the Clontarfs, Gracevilles, Green Isles, and Avocas, embosomed in prolific farmsteads, which we now see face to face.

General Shields received a warm welcome in Minnesota. His fame had preceded him, for it was nation-wide. He brought with him more acquired eminence than any predecessor. He entered at once and with vigor on constructive work. He was one of the original proprietors of Faribault. He founded the town of Shieldsville, a few miles distant, as the center of his extensive rural settlements, but resided in Faribault for a considerable period. His colony prospered and is now one of our richest domains.

When the first Legislature of the State of Minnesota convened in December, 1857, it was Democratic in politics and there was great rivalry between numerous candidates for the two United States senatorships. General Shields was a newcomer, with no local claims, but was suggested as a compromise; and he was finally elected with Henry M. Rice, then the Territorial delegate. The General drew the short term, which expired on March 4, 1859, while Mr. Rice had the allotment which carried him until 1863. The next Legislature was Republican, and Shields failed of re-election, for that reason alone, Morton S.



Wilkinson being chosen as his successor. Thus, for a second time, the shifting fortunes of his party, and not a lack of merit or popularity, prevented his return to the Senate.

The value of Senator Shields to this State cannot be measured by the length of his term. His previous high status in the body to which he now returned, made him a worthy colleague of the astute pioneer, Mr. Rice; they worked together in fine harmony and with rare effectiveness in securing liberal favors for the struggling young commonwealth. They antedated this militant generation, when the hand that rocks the cradle stones the premier, and the spear that smites the octopus knows no brother. But they helped found a State that has royally justified their intelligent solicitude.

That the services of General Shields to Minnesota were appreciated is testified to by the naming of a military company in St. Paul, "The Shields Guards," in his honor. The manuscript files of the Minnesota Historical Society contain many letters from Shields to H. H. Sibley, during the period of his residence in this state, which throw instructive side-lights on political and social affairs of that period.

On June 25, 1856, during the last year of Franklin Pierce's administration, Shields wrote to Sibley, both being Democrats: "This administration has been the most insignificant that ever disgraced this great country." On November 21 of the same year, Buchanan having just been elected President to succeed Pierce, and Shields having gone to Washington to act as "best man" at the (second) marriage of his former colleague from Illinois, Senator Stephen A. Douglas, he said to Sibley of Buchanan's proposed cabinet: "My fears outrun my hopes. Buchanan will be forced to take warring elements in,—disunionists from the South, presidential aspirants from the North. The South elected him, and will make him a Southern President. If he yields to this, he is lost." Impartial history has long since verified these sagacious, independent statements and prophecies.

Anent the Douglas wedding, Shields dropped a remark in this letter which the future also fully justified: "The bride, Miss Cutts, is a splendid person, and will be a great benefit to Judge Douglas. She has good sense, exquisite taste, and a



kind, generous disposition. Her influence will improve his appearance and soften his manners."

This manuscript correspondence with Sibley shows that during the entire period of his residence in Minnesota, Shields manifested a lively interest in public affairs generally as affecting the new State, and especially the region occupied by his Irish-American colonists. On June 7, 1859, after he had ceased to be Senator, we find him writing to Sibley, then Governor of Minnesota, from Faribault, that a meeting in that town at which he presided, had selected directors to choose a site for the State deaf and dumb asylum, including four from Faribault, William Sprigg Hall of St. Paul, and N. M. Donaldson of Owatonna.

The memory of Gen. Judson W. Bishop supplies the narrative of an episode which we do not find of record, but which shows General Shields' dominating military spirit, and which came near giving him the title of a Soldier in four wars. When the Indian massacre at Spirit Lake, Iowa, occurred in 1857, General Shields, then residing at Faribault, promptly rallied a company of his colonists and other citizens, had them armed and mounted and started for the scene of hostilities, about 150 miles distant. Other bands of settlers, living nearer, arrived first, and the Indians had disappeared. General Bishop, heading a surveying party, met Shields' detachment on their return, and vividly describes their zeal and ardor. Thus the former brigade commander in Mexico, the future division commander in Virginia, was equally ready to lead a hundred undisciplined men in what might have been a very hazardous campaign.

After retiring from office as Senator from Minnesota, General Shields was led by business considerations to settle in California. In San Francisco, in 1861, he was married to Miss Mary Carr, who was a daughter of Jerome and Sarah Carr and was born August 15, 1835, in County Armagh, Ireland. Her father, a linen merchant, with the proverbial Irish large-heartedness, had endorsed a note for a friend and thereby lost his fortune, the accumulation of years of industry and frugality. Looking, as so many others had done, for a place to recover

his lost resources, he turned to America and settled in the city of Baltimore, where he died in 1852, his wife only surviving him a year. The daughter, thus left, for a time attended a convent boarding school and made her home with relatives.

The Shields and Carr families were friends in Ireland, had intermarried, and quite naturally James Shields and Mary Carr met and were friends in America. During the summer of 1861 Miss Carr was visiting at the convent in San Francisco, and when General Shields found he had business in that city, he pressed his suit and won his bride. They were married August 16, 1861, in the Church of St. Ignatius. The General and his bride embarked that evening on a steamer for Mazatlan, Mexico, thus auspiciously beginning their matrimonial voyage on the smooth and placid waters of the Pacific, truly typical of the happy and tranquil domestic life which was ever theirs.

Soon after Sumter was fired on, General Shields, blazing with loyalty and soldierly ardor, tendered his services to his old friend, now President of the United States. Official notice of his appointment as brigadier general of volunteers to date from August 19, 1861, reached him in Mexico, where he was manager of a profitable mine in which he had a large interest. As soon as his business affairs could be adjusted, he repaired to Washington and reported for duty. He was sent to the Shenandoah valley in Virginia, which had been the theater of much indecisive marching and fighting.

March 7, 1862, General Shields assumed command of the division of General Lander, who had died two weeks before of Mexican war disabilities. The division instantly felt the magic of his touch, and although only a few men of his new command had previously been in battle, they recognized that their commander had brought with him his master hand, and if any soldier had doubts as to the courage or ability of General Shields the doubts soon vanished. In fact, within two weeks from his taking command they were fighting "Stonewall" Jackson's army at Winchester, on the 22d of March. The battle continued two days, ending at Kernstown. Early in the engagement, General Shields was wounded, as usual, having his arm fractured and his shoulder badly torn by the explosion

of a shell, and was carried from the field. But so thoroughly had he enthused his little division with his own invincible spirit that it went on and gained the victory, while Shields directed its movements from his cot of suffering three miles in the rear. Colonel Nathan Kimball, who succeeded to the leadership, officially reports that he carried out his general's plans and followed his directions, until the field was won and "Stonewall" Jackson's invincible cohorts were in full retreat. This was two years before Sheridan sent Early "whirling up the valley," over some of the same ground.

Of the close of the battle, in which Shields' division alone confronted Jackson's entire army, Colonel Kimball wrote: "With cheers from right to left our gallant soldiers pushed forward, and as the sun went down, our stubbornly yielding foe, who had thrice advanced to the attack, gave way and Jackson's army was badly beaten,—his shattered brigades in full retreat." General Banks, Department Commander, congratulated the troops on their great victory, which had expelled Stonewall Jackson from the valley. Jackson retreated eighty miles to Harrisonburg, confessing his first and only defeat.

General Shields' wound disabled him for five weeks. He resumed command of his division April 30, 1862. Jackson had, after his defeat at Winchester and Kernstown, retreated so rapidly and so far that the authorities at Washington supposed he had returned to Richmond. Hence Shields' division, with other troops, was hurried across the Blue Ridge to reinforce McDowell at Fredericksburg. But Jackson had not left the valley, and he came back northward as rapidly as he had gone the other way. Shields was at once ordered to retrace his steps. The remainder of McDowell's corps were taken by rail to Aquia Creek, by transports to Alexandria, and by railroad to Front Royal, where they arrived two days later than Shields' division. General Fremont with his forces, had been ordered from the Kanawha Valley to get in the rear of Jackson. Banks was reinforced, and Jackson, learning of these movements, again retreated up the Shenandoah. McDowell followed, Shields in advance. At Port Republic, Jackson made a stand, and Shields disposed his division for another battle.

He ordered Carroll, one of his brigade commanders, to burn the bridge across the Shenandoah, in certain contingencies. This order was, it was alleged, countermanded by McDowell. At any rate, the bridge was not burned. Jackson crossed the river, and severely handled the troops opposed to him.

Speaking of this occurrence, General Oates, an officer in high command under Stonewall Jackson and later a U. S. Congressman, stated at the reception of the Shields statue in Washington: "Had General Shields' orders been obeyed, there was no escape for Jackson." In the same connection, Jefferson Davis wrote of Shields and his division as being superior in efficiency to the entire corps of General Howard.

President Lincoln showed his appreciation of Shields' achievements in the valley, by promoting him to Major General of Volunteers, and appointing him a brigadier general in the regular army. The Senate, on political grounds, it is said, failed to confirm the latter nomination. It is authentically stated that the President informally tendered to General Shields the command of the Army of the Potomac after McClellan had failed, but that the position was declined, owing to the general's strained relations with Secretary Stanton. For this, and other reasons, Shields resigned from the army March 28, 1863, returned to California, and settled in San Francisco.

On some accounts the Pacific coast did not satisfy General and Mrs. Shields as a place of residence. After the close of the war, in 1866, he returned to the Mississippi valley, via steamer and New York City. Mrs. Shields, ever on the alert for her husband's welfare, persuaded him to retire to a farm, hoping that the quiet, restful life would restore his health so sadly shattered by his brilliant, though exacting, service to his adopted country. The general climate, fertile soil, and new-born prosperity of Missouri appealed to them. On an exploring expedition, the general happened to meet, at Carrollton, Missouri, an old friend and supporter in the Illinois legislature, Judge George Pattison, who so impressed him with the beauties and prospects of that region, that he decided to make that his future home. The place selected, still pointed out as the



"Shields Farm," was the ideal for which these people sought; its quiet shade, its spacious comfortable house, its orchard burdened with fruits, and its natural scenic beauty, appealed to the General. Neither he nor his wife had ever lived on a farm, but they thoroughly enjoyed all the pleasures of rural life. Their hospitality soon became proverbial, and the evening of the old soldier's life could not have been more happily spent.

But he could not entirely escape the penalties of his merited prominence. His fame had preceded him. In 1868, only two years after his settlement in Missouri, his fellow Democrats forced on him the nomination for Representative in Congress in his district, which embraced Kansas City. He received a decided majority, but, on account of some alleged irregularity in returns, the hostile canvassing board rejected the votes of two counties, and gave the certificate to his opponent. Shields' friends contested the election in his name, but the Congress, also politically antagonistic, declined to seat him. Nevertheless, it recognized the force of his claim to the extent of voting him a full year's salary.

General Shields' home remained in Carrollton from 1866 until his death in 1879. Here he cultivated his farm, devoted much of his time to lecturing tours for charitable objects, and also resumed some interest in political affairs. His benevolence covered a wide scope. Lacking wealth, he gave freely of his time and of his eloquent appeals for every good cause, and for every phase of human suffering. When the yellow fever, a very pestilence, scourged the South and depopulated cities, when every heart throbbed in sympathy for the stricken sufferers, and when in populous Atlanta there were not enough of well ones left to bury the dead, it was the clarion tones of General Shields that woke the echoes from city to city, until more money was raised and sent through his individual effort than was secured by any score of his co-workers, who also did their best in this noble work.

In the year 1876, General B. F. Butler, Republican representative in Congress from Massachusetts, proposed the name of General Shields for doorkeeper of the House, which was then Democratic. The position was worth \$200 per month, but the



veteran resented the proposal as an indignity, and Butler was suspected of a design to entrap the opposition. The Democratic caucus had nominated General Field, an ex-Confederate, who had left the country to serve in the Egyptian army, and Shields was defeated. The House, in order to atone for this action, voted to place Shields on the retired list as a brigadier general, but the Republican Senate, for some reason, failed to concur, and the bill failed to become a law.

In 1874 General Shields was sent by the Democrats of Carroll county to the Missouri legislature and was re-elected in 1875. Here, as ever, he was active in useful work. One of his wise measures was the law creating the State Railroad Commission. In the year 1878, he was chosen for the third time and from the third State, United States Senator, to serve during the unexpired term of Senator Lewis V. Bogy, deceased. He was welcomed back to the halls of legislation, which he had first entered thirty years before, by a new generation of statesmen, who paid willing tribute to his rare endowments.

The richest treasure a people can possess is the memory of their eminent men. Greater in importance than agricultural, mineral, and industrial wealth, is the value of the inspiration and example of men whose lives exemplify those qualities which make for good government and free institutions. The life of James Shields meets this standard. The general significance to be found therein is that he was equal to every responsibility and faithful in every trust. He doubtless had a fair allotment of human shortcomings, but they neither marred his record nor dimmed the luster of his worthy deeds. We may fervently pray that the day will soon dawn when the nations shall learn war no more; but sad will be the hour when we cease to honor those who have bravely fought for the honor of their country and the freedom of mankind.

His career emphasizes the possibilities of American citizenship, and the freedom from religious and racial prejudices of our people. Though he was neither of the race nor creed of the majority of the people of the three great states whom he represented in the United States Senate, this did not prevent his selection. Of a people of whom it has been said, "they have

fought successfully all battles save their own," he helped the people of his adopted country to successfully fight their wars. Born in a foreign land, he was in every fiber of his heart, in the very texture of his soul, distinctively and intensely American. He devoted his life with unchallenged purity of purpose to the service of his adopted country, and in three wars shed his blood in her defense. He was too generous to be thrifty and acquisitive, too honest to be a schemer, and too bold to be a trimmer. But he was a true, brave man, a patriot, and a gentleman.

His private life was irreproachable. He was strictly temperate. His bearing was unobtrusive; his tastes were literary and domestic. The bitterest of partisan contests left no taint on his reputation. He was a model husband, father, citizen, and churchman.

On the 26th of September, 1878, General Shields, who died eight months later, had a characteristic reception and ovation in Brooklyn, New York, whither he had journeyed from his home in Missouri to deliver a lecture before a large and representative audience in one of the great auditoriums of the city. The following spirited report of the occasion will convey an idea of the enthusiasm which he created whenever he made his appearance as an orator or lecturer.

The space in front of the Academy is black with people, and from opposite directions come diverging streams. The doors are thrown open, and in twenty minutes the house is packed. The stage, too, presently fills up, civilians and military, lay and clerics, take their places. The rattle of drums, the clashing of cymbals, and the notes of the ear-piercing fife, float in from without. The General, with his escort, enters. All is hushed. He is very pale, very attenuated. Silence reigns, all eyes and all hearts turn toward him. Simultaneously all on the stage rise to their feet. A voice: "Three cheers for General Shields!" The great audience rose, and then, as the band played "Hail to the Chief," recollections of the victories he had helped to win, from Buena Vista to Winchester, flashed back; then, as the chieftain who had a generation ago led in triumph the citizen soldiery of New York into the City of Mexico, stood before the remnants of his comrades in arms; then, as the only man who had ever successfully crossed swords with Stonewall Jackson, came in sight; then, when General Shields, now a feeble, sick man, presented himself before the

people of Brooklyn,—then went up a tempest of ringing cheers such as never before resounded within the four walls of that house.

Such episodes, varying in degree, but all testifying to a wide popular recognition of his illustrious career, were numerous in his later years. As a soldier, he was a true knight; but as an optimist, he was a very prince. To his optimistic mind no cloud had such density of midnight blackness that it did not show him a silver lining. He was always a helper. No human being struggling in any whirlpool of difficulty or danger came within his sight that he did not immediately “throw out the life line.”

And he has never received due credit for his accomplishments and abilities as a theoretical soldier. On January 10, 1862, in a letter to General McClellan, commander in chief of the army, General Shields outlined the military operations which he deemed necessary for the suppression of the Rebellion. Secretary Seward, in an official communication a few days later, submitted this letter to the Secretary of War, urgently inviting his attention thereto. The letter is published in the Rebellion Records, Series 1, Volume 5, pages 701 to 703. It is one of the most important papers relating to the conduct of the war, and stamps its author as not only brave, but capable as a strategist of great ability.

General Shields died suddenly at Ottumwa, Iowa, on Sunday, June 1, 1879. He had gone there to deliver a lecture for the benefit of a local charity, and remained several days visiting relatives. He had appeared in his usual health on that day, but just before retiring he complained of a pain in his chest, and shortly afterward said to his niece that he was dying. In thirty minutes he expired, sitting in his chair, remaining conscious to the last. His body left Ottumwa for his late home in Carrollton the next day. The funeral took place in Carrollton on Wednesday. It was largely attended and the services were conducted with the imposing ceremonial of the Catholic Church, of which he had been a lifelong and consistent member.

After the death of the General, Mrs. Shields continued to reside in Carrollton, educating and caring for her two sons and one daughter, as only a mother can from whom the staff and stay has been removed, and who thus leans upon as well as lifts

and buoys her children, the jewels of her home. For two decades she lived in her home on North Main street, which she still owns, though for the past few years she has lived with her son, Dr. Daniel F. Shields, in New York.

James Shields had a remarkable career, and his was a remarkable character. He is to us James Shields born in Ireland, the American General, the American Senator, James Shields of Ireland and America. We need not hesitate to claim a modest participation in his fame and to hail him, James Shields of Minnesota! His mortal remains rest in Missouri, but Illinois, Minnesota and California, Winchester, and Port Republic, claim their share of his renown, for it is as true in America today as it was in Greece of old that the whole earth is the sepulcher of illustrious men and all time is the millennium of their story.

The State of Illinois, rich beyond measure in illustrious sons, chose Senator Shields as her representative in the hall of fame in Washington. The legislature of Missouri, at its latest session, appropriated generously for a colossal bronze statue in his honor on the public square in Carrollton. The Grand Army of the Republic and the Loyal Legion of Minnesota have heartily endorsed a movement to install his statue in our beautiful capitol.

For thirty years his grave remained unmarked at Carrollton. But finally, by joint action of local authorities and the United States Congress, funds were provided early in 1910 for the erection of an imposing monument near his resting place. It is of red granite and is surmounted by a colossal bronze bust of the distinguished General.

On Saturday, November 12, 1910, this monument was unveiled and dedicated in the presence of ten thousand people, after a grand civic and military procession in which a battalion of regular troops from Fort Leavenworth, a regiment of the Missouri National Guard, and an immense concourse of citizens, participated. The exercises at the dedication consisted of addresses by Governor Hadley of Missouri, Archbishop Glennon of St. Louis, Congressmen Rucker and Borland, Attorney Ralph F. Lozier, Senator Busby, and others. There were present, as guests of honor, Mrs. Mary A. Shields, widow of General



Shields; Dr. Daniel F. Shields, their son; Mr. L. E. Shields, of St. Paul, a nephew of General Shields, and other relatives.

Minnesota was represented at the ceremonies, in addition to Mr. L. E. Shields, by Mr. J. J. Reagan, President of the national organization of the Ancient Order of Hibernians, and by the writer hereof, who had been specially commissioned by Governor A. O. Eberhart as the State's official delegate.

Accorded a leading place on the programme of addresses, Minnesota's envoy paid a brief tribute to the hero of the occasion, which embodied this personal reminiscence:

A striking incident of my early boyhood is linked across two generations with this event. One morning, when I was seven or eight years old, the tidings spread through the Illinois village which was my home that General Shields, returning wounded from the Mexican War, was a passenger in the stage from Quincy, which stopped for breakfast and to change horses at our little tavern. A crowd assembled and waited, with silent awe, the appearance of the hero. He came out, pale and feeble, supported by two attendants, was lifted into the coach, and it rolled on toward Springfield.

To the group of wide-eyed youth who gazed with undisguised wonder on the scene, it was a revelation and an inspiration. Many of them were destined, fifteen years later, to be soldiers and heroes in a vastly mightier conflict for an inexpressibly holier cause. But this was our first sight of a military uniform, our first view of a real general, our first realization of the pains and penalties of war. It was an object lesson in patriotism. As that coach rolled away toward Springfield, the dust from its wheels, lighted by the morning sunbeams, became a golden aureole through which we saw many things in new colors. The world was never quite the same again.

Thus General Shields vanished from our sight as in a cloud of splendor. Thus his restless spirit passed through life,—through a picturesque, versatile, and always honorable career. Thus he lives and will live in history, a faithful servant of the people, a fearless soldier of the republic, worthy to be hailed, with an innumerable company of his colleagues and comrades, as a priest in the temple of freedom, a prince in the kingdom of glory.



ADDRESS AT THE UNVEILING OF THE STATUE OF  
GENERAL SHIELDS,

IN THE CAPITOL OF MINNESOTA, OCTOBER 20, 1914.

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BY ARCHBISHOP JOHN IRELAND.

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To James Shields, the soldier, the statesman, the jurist, honor is paid by the citizenship of Minnesota. A monument of him is enthroned in the hall of the Capitol of the State, there to perpetuate his name and memory, to the intent that coming generations may know him, and, knowing him, emulate in the service of humanity and of country his deeds of noble and disinterested patriotism and valor.

No unusual occurrence is it in America that a monument be built to pay honor to James Shields. In the Hall of Fame, beneath the dome of the Capitol of the nation in Washington, stands his figure, placed there by the State of Illinois, when it was summoned to name to America's admiring vision two of its most distinguished citizens. A statue also has been erected to him by the State of Missouri, in the public square of the City of Carrollton. Minnesota may well, without fear or peril of blame, do as its sister states, Illinois and Missouri, have done,—extol the fame of "the Jurist, the Statesman, the Soldier," James Shields,—and do so with especial joyousness, inasmuch as at one period of his career he was a citizen and a loyal servant of our commonwealth.

From 1855 to 1860 James Shields claimed Minnesota as his home. While commissioner of the Federal Land Office in Washington, he had learnt of the fertility of our fields and the salubrity of our climate, and had resolved, that, when freed from the toils of public office, he would draw hither colonists from the ranks of his fellow Irishmen in the Eastern States and in Ireland itself, less likely to find elsewhere than in Minnesota peace and prosperity. He became one of the proprietors and

founders of what is now the flourishing City of Faribault, and thence sent far and wide invitations to settlement in the neighboring districts. The fruits of his labors as a colonizer are the townships of Shieldsville, Erin, Kilkenny, Montgomery, in our Counties of Rice and Le Sueur, where reside hundreds of industrious and wealthy farmers, of whose good American citizenship their Celtic names give sure guarantee. When the first legislature of the newly organized State of Minnesota convened in 1858, it chose, as its representatives in the Senate of the United States, Henry M. Rice and James Shields,—the continent-wide fame of the latter commending him to the electors in lieu of more immediate labors in Minnesota itself. As the result of the drawing of lots between the new senators, James Shields took to himself the short term of two years. This expired, the majority in the State Legislature meanwhile having changed its political coloring, he ceased his service in Washington, and shortly afterward sought a new home in California.

James Shields was the Irishman and the American,—the Irishman by birth, temper, and education, the American by loyalty and service,—the Irishman and the American to a typical degree. His whole career is summed up in those words, the Irishman and the American.

I give the outlines of his life. He was born in Ireland in 1806, of honorable and respected lineage. His direct ancestor, with four sons, fought on the losing side in the battle of the Boyne,—one of those sons later joining the army of Spain, and there rising from one honor to another until finally he was commissioned the Captain General of Cuba. An immediate uncle of our hero was a soldier in America's revolutionary war and in that of 1812. James decidedly sprung from a family in which fear of the battlefield was unknown. In his native isle he received, mainly through the tutorship of another uncle, a priest who had been a professor in the College of Maynooth, a liberal education. At the age of sixteen he emigrated from Ireland in search of fortune in other lands. Arrived in America, he first adopted a seafaring life, afterwards serving as a soldier in the Seminole War, thence pushing westward to Kaskaskia, at the time the Territorial capital of Illinois. There he was the school-

teacher, the lawyer, and quickly the office-holder. He served four years in the State Legislature, was elected State Auditor, and in 1843 succeeded Stephen A. Douglas as Justice of the Supreme Court of Illinois. Two years later he was named by President James K. Polk, Commissioner of the Land Office in Washington. This office he resigned to become the brigadier general of volunteers, to be soon brevetted major general, in the Mexican War. The war over, he was named by President Polk governor of the newly organized Territory of Oregon,—a position, however, which he did not accept—a higher distinction coming to him from the State of Illinois. Illinois chose him as its representative in the Senate of the United States, where he served the full term of six years. In 1855 he was in Minnesota, the colonizer, and later its representative in the Senate of the United States. The outbreak of the Civil War found him a resident of California. At once he buckled on his warrior sword, and was appointed by President Lincoln brigadier general, soon to be major general of the volunteer army. In 1863 he resigned his commission in the army, owing to misunderstandings with the Secretary of War, Mr. Stanton. Missouri now became his home. Here he was Adjutant General of the State, and later was chosen again to membership in the Senate of the United States, occupying the seat vacated through the death of Senator Bogy. Later he filled two terms in the State Legislature. The last years of his life were spent in cultivating a modest farm near Carrollton, in Missouri, and giving lectures in different parts of the country in aid of charitable and religious works. He died in 1879, leaving to his wife and children all that he was able to leave to them as the pecuniary result of his many years of civil and militant office-holding—his few acres of farm land, the diamond-studded swords which had been given to him, one by the State of South Carolina, the other by the State of Illinois,—and his blessing.

A wonderful career, that of James Shields, in the picturesque of its varieties, in the confidences reposed in him by his fellow Americans from Illinois to Washington City, from Minnesota to Missouri, in the enthusiasms his name everywhere was wont to evoke; and wonderful, equally so, in the talents he

displayed wherever the call to arms placed him, magnificently so in the martial skill and bravery of which his sword was ever the token upon fields of gore and glory. Picturesqueness it is, seldom equalled in the fortunes of other heroes—though so many and so illustrious—in the annals of America. Only recall the chief head-lines in the narratives of his career,—Soldier and Statesman; Jurist and Orator; Legislator in the chief cities of two states; Senator of the United States from three of its commonwealths; Soldier in three American wars.

Fellow Americans, we announce a noble name, when that of James Shields is spoken; we glorify a noble memory, when we fling out his figure to the gratitude and the admiration of Americans of today, of Americans of tomorrow.

To what do we attribute these manifold honors, bedecking the years in the career of James Shields?

It is plain from the record that James Shields was no intriguer in politics, no shrewd, insidious wire-puller. He was ignorant of the arts of combinations and machineries. He was the single-minded and the open-tongued citizen. He simply showed himself as he was, willing to take what was offered, unwilling, unable even, to plan for favor or preferment. He was the old-fashioned knight, without fear, but, also, without reproach. Nor, as distinction of office came, was he cunning in schemes to retain it. He did his duty, regardless of consequences, regardless of the dictates of the political party that had entrusted him with power, bidding friends and foes to judge his deeds on their bare desert. At all times, and in all stations, he was James Shields, to be taken, or to be pushed aside, for what he was, for what he was believed to be.

To what, then, is due his career? To personal character and qualifications; to value of service rendered, whatever the position to which he was lifted; to the willingness of America to recognize and reward merit, wherever merit is discernible.

Shields was the good man. His private life was above reproach. No weakness was his in the use of drink; no moral stain ever darkened his escutcheon. In him deep religious conviction begot the personal and social virtues, and brightened their uses and practices. I might, perhaps, blame the impetu-



osity of a moment which led him to the brink of a duel with a famed citizen, Abraham Lincoln. Let the false notions of honor, prevailing at the time, excuse the one and the other.

Shields was the gentleman, in manner polished and refined; in the maintenance of principle, the soul itself of honor and integrity. A base proposal would have at once awakened in him indignant ire. To give service, to friend or to foe, was the imperious dictate of his code of chivalry.

We read of the typical Irish gentleman. That was Shields, warm Celtic blood ever coursing in his veins, kingly Irish traditions ever ruling heart and head. He had the Celtic faults,—he was emotional, maybe now and then too quick in decision, too impatient, perhaps, for his own welfare, too much of a rover and a seeker of new things. But at times those very faults served him well, as when his sword was brandished on the battlefield. And with Celtic faults he had all the Celtic virtues. Brave he was and valorous, generous of gift and service, the high-tempered knight, whose flashing passage across the ranks of fellow-men sheds over our world of dull matter and selfish plodding the sunshine of uplifting poetry, the sweetness of the supernal life.

Shields was the scholar. His early liberal education served him well, and continuous study through the years increased its brilliancy and power. And, of course, he was the orator, holding, as charmed victims of his fiery phrase and his orphean voice, no less the sages of legislative and senatorial halls than the ruder and less thinking multitudes of voters of Kaskaskia, Vandalia, and Springfield.

Rushed from one occupation to another, from one political office to another, he was at home, whatever the duties assigned to him. His talents were most varied in kind. As lawyer and as justice of the Supreme Court of Illinois, he had his reward in the genial companionship and the esteem of great men, of whom Illinois was at the time the plentiful parent, and all America the proud beneficiary,—Abraham Lincoln, John M. Palmer, E. B. Washburn, Stephen T. Logan, to name but the few. As Auditor of the State of Illinois, he wrested from confusion and uncertainty its financial budget, and placed it on a secure and envi-



able foundation. In legislative halls he was the skilled debater, the magnetic speaker, the promotor of whatever was wise and just, himself the author of several useful and far-reaching measures. In Washington they were the days of Webster, Clay, Calhoun, Sumner, Jefferson Davis, Breckenridge. In no way was Shields below the exalted standard then set to the law-makers of America. I note but a few of the famed issues amid which he was the consistent champion of righteous patriotism,—that of allotment of free homes on the lands of the national domain to soldiers of the Mexican War, and to actual settlers, that opposing the extension of slavery to newly organized states, that of the preservation of the nation as one and indivisible.

His own party was opposed to him in the question of the extension of slavery. The admission of California to statehood was the occasion. Shields' greatest speech entered into the debate. I quote a passage, showing not only his firmness of resolve with regard to the extension of slavery, but also his prophetic view of things to come, of things that are today: "Sir, they are laying the foundations of a great empire on the shores of the Pacific,—a mighty empire, an empire that at some future day will carry your flag, your commerce, your arts and your arms into Asia, and through China, Hindustan, and Persia, into Western Europe. Talk about carrying slavery there, of imposing such a blight upon that people, of withering their strength and paralyzing their energies by such an institution! No, Sir, such a thing was never intended by God, and will never be permitted by man."

As to the perpetuation of the Union, his voice always rose loud amid the threats of secession, then thundering through senate and chamber,—always proclaiming that secession would be the blackest of crimes, the most stupid of follies, that never should America permit or endure it.

Always James Shields was the truest of patriots, the most earnest and loyal of Americans. Country was his idol. To country he gallantly sacrificed personal interest, dictate of party, hope and prospect of popular applause and approval. It is the undoubted and indubitable fact: From every office, of

the many held by him, at one time or another, under the gift of one state or of another, Shields always went back to private life with clean hands,—poor in the possession of all emoluments, save that of honor for faithful service.

But, whatever his other achievements, it is the field of war where James Shields is to be seen at his best. There his Celtic nature bursts forward in special efflorescence. Above all else he is the soldier. As the soldier, especially, we salute him, we honor him. All the virtues of the soldier are in him in plenary apportionment,—skill of strategy, firmness of disciplinary mastership, magic power of control of troops, undaunted courage, a dash in attack that bewilders, an endurance of pain and fatigue that secures victory when defeat is most threatening. The vanguard is always his coveted place, there brandishing his sword, compelling by sheer magnetism of example others to follow his lead. Wounded—he was wounded in almost every engagement—he still fights on, so long as strength to move remains. Compelled to retire, he frets like the caged lion, until again he has leaped into the saddle. Warriors of Napoleon, Ney, Murat, McDonald,—how fittingly Shields should have ridden with them! I must not tarry in details. Let praise from General Scott suffice. In his report of the battle of Cerro Gordo, the commander-in-chief wrote: “General Shields, a commander of activity, zeal and talent, is, I fear, if not dead, mortally wounded.” Later he said: “Shields’ brigade, bravely assaulting the left, carried the rear battery (five guns) on the Islapa road, and added materially in the rout of the enemy.” And again: “The brigade so gallantly led by General Shields, and after his fall by Colonel Baker, deserves commendation for fine behavior and success.”

Scarcely convalescent, Shields is again on his charger in the march to the City of Mexico—always the undaunted soldier. In the battle of Contreras, “Shields,” said General Scott, “by the wise disposition of his brigade and gallant activity, contributed much to the general results. He held masses of cavalry and infantry, supported by artillery, in check below him, and captured hundreds, with one general (Mendoza) of those who fled from above.” “At Cherubusco,” I still quote General

Scott, "Shields concentrated the division about a hamlet and determined the attack in front. The battle was long, hot and varied; but ultimately success crowned the zeal and gallantry of our troops, ably directed by their distinguished commander, General Shields." At Chapultepec, his horse was killed under him; Shields fought on foot, bareheaded, in shirt sleeves, leading his brigade, sword in hand. Yet another wound, but no cessation of rush and combat. Shields' command led the van into the City of Mexico, and first planted the Stars and Stripes on the walls of the Belen Gate.

Came the great war,—the war for the salvation of the Union. Shields, a resident of California, bounded across the continent, joyous to be again a soldier. He was commissioned brigadier and assigned to the Shenandoah Valley. At Winchester he met Stonewall Jackson, fated there to meet under the blow of our own hero his only defeat. Shields again was wounded; much of the engagement he directed from his blood-stained cot, in the rear of his command; Colonel Kimball, who led the final charge, reported, after the victory, that in all details he carried out the plans and directions of his leader. Shields' division alone had confronted Jackson's much larger army, and had won the victory. If later, at Port Republic, Jackson did not receive another severe defeat, it was because orders given by General Shields to burn the bridge across Aquia Creek, for some unexplained reason, had not been obeyed. This is the testimony of General Oates, an officer under Stonewall Jackson, speaking at the unveiling of the Shields Statue in the Capitol at Washington: "Had General Shields' orders been obeyed, there was no escape for Jackson." The orders obeyed, the bridge burnt, one of the most decisive victories of the War should have been gained by General Shields.

General Shields resigned from the army March 28, 1863. I take his act to have been a mistake. He and the Secretary of War, Mr. Stanton, were not in accord. Shields should have borne with patience Mr. Stanton's displeasure and gone forward in spite of temporary opposition, gone whither his merits bade him go, forward to greater victories and higher rewards. It was a mistake of his Celtic temperament, to which we must

grant indulgence, in view of the deeds of glory, of which elsewhere it was the generous prompter.

General Shields is the soldier of three wars. He barely missed being the soldier of four wars. While a resident of Minnesota he heard of an Indian outbreak near the southern border line of the State. Quickly his appeal echoed through Faribault and Shieldsville; a troop of his Irish Colonists rallied around him, with whatever arms they could gather together. Soon General Shields and his braves were on the field of strife, but, alas for his expectation of that war, peace had already been proclaimed.

So, when building a monument to James Shields, we have built it to the soldier, General Shields. Have you done well, Companions of the Loyal Legion, Comrades of the Grand Army of the Republic, in setting up before the eyes of present and future generations, in Minnesota's Hall of Fame, the man who rushed to war, in defence of country's rights and country's honor? Most decidedly so. Peace is the ideal condition of human society,—all things, even war itself, must tend to peace; but God avert from America the ruin of its commonwealth, the plunder of its territory, the dishonor to its flag, from which war alone could have wrested it. Rather war, a hundred times, than evils such as those. Never do we know when menace may be nigh; never, consequently, must America's sons be void of the martial spirit, which bids America ever be free, ever secure, ever honored and respected. The names of our military heroes are safeguards of patriotism; their memories are perennial founts of its life and vigor.

Another factor in the career of General Shields was America itself. America gave to him inspiration and blessed his labor. America rewarded his merits.

General Shields was by birth an Irishman, by religion a Catholic. By lifelong and most loyal service, by the oft offered sacrifice of his blood, he was the American. Never did the Star-spangled Banner look down upon more sincere and braver patriotism than that which fired the heart and electrified the sword of General James Shields. America put faith in the plighted troth and the deeds of General Shields; accepted him

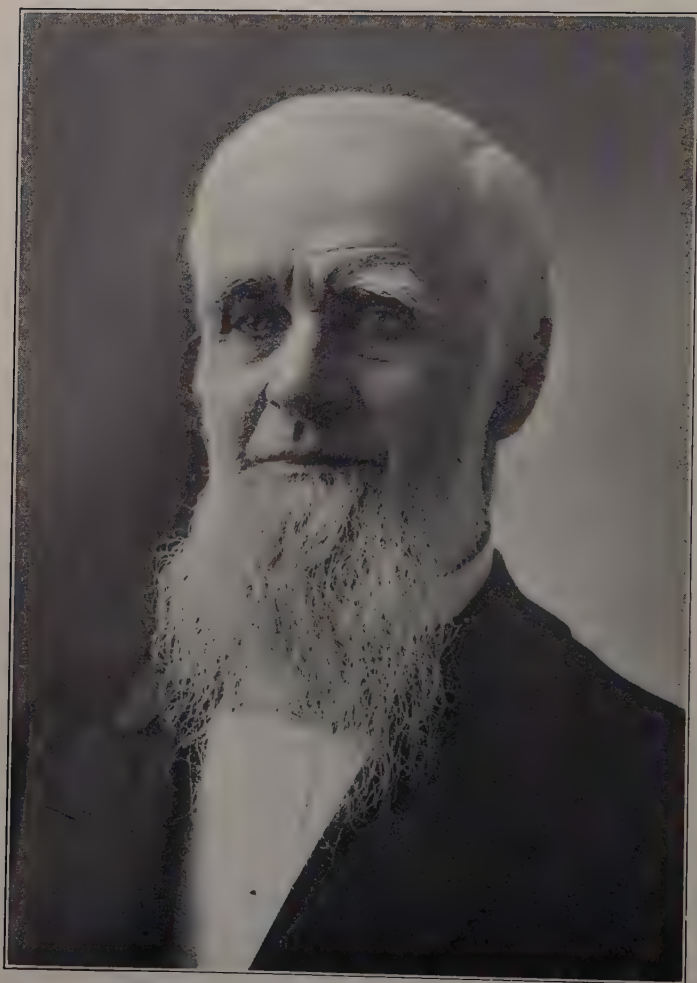
into the fullness of sonship, accorded to him all opportunities, all rights, all privileges, within the gift of the Star-spangled Banner. General Shields was the citizen of America; it was all that he should have desired, all that he could have needed for himself, to fall or to stand. Right nobly did he stand.

Now and then whispers pass through the air that men like to General Shields in birthplace and in religious belief are not the truest of Americans. Such whispers are the vilest of falsehoods. In contradiction, we evoke into speech the battlefields reddened by the armies of America, the lakes and oceans furrowed by its navies; we evoke into speech the monument erected this day, within the Capitol of Minnesota, to the name and the fame of General James Shields.

Back again, General Shields, to Minnesota, back with the memories of your services to Minnesota itself, with the glories in other states of the Union,—back with the triumphant flags of Cerro Cordo, and of Winchester,—back, the true and loyal son and servant of the Republic of the United States of America. Our Welcome—the welcome of our admiration and love—is yours.







*Levy Brooks,*

MINNESOTA HISTORICAL SOCIETY.  
VOL. XV. PLATE XVIII.

## ADDRESSES ON THE PRESENTATION OF THE POR- TRAIT OF PROFESSOR JABEZ BROOKS.

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In the Council Meeting on April 11, 1910, an oil portrait of the late Professor Jabez Brooks was presented to this Society by his friends.

JUDGE HASCAL R. BRILL, of Saint Paul, spoke on this occasion as follows:

It is eminently fitting that a portrait of Professor Brooks should be hung upon the walls of the Historical Society of Minnesota. He was the principal of the preparatory department of Hamline University, located at Red Wing, four years before the state was admitted to the Union. He was President of Hamline University from 1861 to 1869, and thereafter for forty years he was professor of Greek in the State University. These facts alone would justify the preservation of his portrait by the Historical Society. But there are circumstances connected with his early career as an educator, which do not lie upon the surface but which make it especially appropriate that he should be held in lasting remembrance by the people of the state, and to some of these I desire briefly to call attention.

It was my good fortune as a youth to be his pupil for a period of nearly five years. The respect at first, and the added affection afterward, which I formed for him during this period, have been intensified as the years have passed, and as I have realized more and more the importance of the work he performed and the influence he exerted.

Though not active in public life, Professor Brooks had much to do with laying good foundations for this commonwealth. His influence upon the quality of the citizenship of the new state was very great. The institution of which in the early days he was the head was for years the only one of its grade in the territory and state. Its list of graduates was not long, but hundreds of young men and women from the virgin farms

and scattered villages of the state attended its sessions for the only higher education they ever had. Because of the lack of library and apparatus in this early institution, the personality of the teacher was intensified and was potent to a degree difficult now to realize. Lacking funds, the institution was able to employ but a scant corps of teachers. Professor Brooks taught the classes of many teachers and performed the work of many men. He came into close personal contact with all the students.

He was born under a foreign flag, but he was an American of the best type. His scholarship was broad and thorough, his ideals were lofty, his character was of the finest, his personality was most delightful. He had decided views of right and wrong, and stood without wavering for what he believed to be the right; but he was tolerant of the opinions of others, and he was charitable in a marked degree toward those who had wandered from the right way. He was not effeminate in any of his characteristics or attributes, but in his intercourse with his students he was as gentle and as lovable as a woman.

In this early period there were no railroads to bring together the remote communities. There were no telephones, no automobiles, no rural free deliveries, and ox teams were more common than horses. The intercourse of the people was slow and difficult. There were few of the thousand later methods and appliances which have so greatly enlarged the scope of human knowledge and have promoted the intelligence of all the people.

The students of the early institution for the most part came from homes which were obliged to sacrifice that they might come, and many worked their way. Their opportunities had been limited, and their previous learning consisted of what they had acquired in the district schools, then far below their present standard; they were much older than the present average student of their grade of scholarship; they came because they had a longing for something higher and better, a desire to fit themselves for the work of life before them; their characters were plastic, their minds were receptive, and even a short period under proper tutelage meant much to them. These young men and women were brought into intimate per-

sonal relation with Professor Brooks. He was not alone the head of the institution at which they were students, he was their teacher, unfolding to them the infinite possibilities of the field of knowledge; he was their guide to the realm of the good, the true, and the beautiful, and he was their friend. His students, whether under his influence for a longer or shorter time, carried out into the life of the new community from this quiet and modest man an inspiration which made them happier men and women, which made them better men and women, which made them more useful to the world and better citizens, and which was of inestimable value to our beloved state at its formative period in the shaping of its destiny.

GENERAL L. F. HUBBARD, long a resident of Red Wing, and later of St. Paul, said:

Fifty years ago I knew Dr. Brooks quite well; as well, perhaps, as almost any one among the general public who had the pleasure and advantage of his acquaintance. When I came to Red Wing in 1857, Dr. Brooks was already established there as one of the pillars of Hamline University, engaged with his co-workers in an earnest though somewhat discouraging effort, to place on a substantial basis the institution founded by Bishop Hamline. In those pioneer days one soon came to know everybody else in the community, and among those to whom I was early attracted by his genial personality was Dr. Brooks. I vividly recall the kindly sympathy with which Dr. Brooks sought to encourage me in my efforts to gain a footing for the enterprise, a weekly newspaper, that I started in Red Wing in 1857. Such sentiments prevailed in the new communities of the west in those days in a much greater degree than is the case now, and were a potent agency in strengthening the courage and hopefulness of a young man in the outset of his career.

While all my relations with Dr. Brooks were of the pleasantest character, I especially recall him as one of a group of great characters that were attracted to Red Wing by the establishment there of Hamline University. Red Wing became, by reason of such location, the headquarters for a time of the Methodist denomination for the Territory of Minnesota; and



as a consequence several of the great lights of the Church made Red Wing their residence for several years. The Revs. Matthew Sorin, Chauncey and Morris Hobart, Daniel Cobb, Cyrus Brooks, and B. F. Crary, with Dr. Jabez Brooks and others, formed a group of very able men, who by their ceaseless efforts, sacrifice, and devotion to their work, proved a powerful agency in forming and giving force to the moral, intellectual, and religious character of the community of those early days. They have all passed away. Dr. Brooks was the last to go, and for many years was the only one left, but he and they have left an impress upon the commonwealth that will long endure.

PROFESSOR N. H. WINCHELL, of Minneapolis, during many years the State Geologist, said:

My acquaintance with Dr. Brooks began in 1872, when I first came to Minnesota. As members of the faculty of the State University, we came into close personal and official relations. He had been connected with the University for three years and was the senior in years and in dignity, and commanded the respect and confidence of all. Although we differed on some methods of education, our acquaintance continued entirely friendly and even confidential. As years passed I saw less of him, my duties taking me away from the University proper.

One summer he spent a part of his vacation with me in the field work of the geological survey, examining the rugged coast line of the north shore of Lake Superior. It has been said that among the soldiers of the late war the close association of camp life brought out all the personal traits, both good and bad, so that comrades came to know each other better than in any other way; and to a large degree the same is true of camp life during a summer vacation. That brief period of camp life in company with Dr. Brooks served only to confirm my friendship for him, and my respect for his personal honor. Frequently in later years the events of that season in camp together were a subject of pleasant recollection and conversation. When our paths of duty diverged and separated more

widely, I found that one of the greenest spots in the retrospect over the past was my acquaintance with Dr. Brooks; and it was one of my pleasantest social experiences to meet him in brief reciprocal visits, and to shake his hand when casually meeting him on the campus or in the street.

His mind always reverted to the camp life of that short vacation, and he asked, "When are you going again to the north shore of Lake Superior?" Alas, I told him I thought it doubtful if I should ever go, although there were numerous unsolved problems remaining which I would like to undertake. On occasion of one of the latest interviews, but a few months prior to his death, a tentative quasi-agreement was made that in the near future we should together repeat, in a measure, our old camp life, and should visit again some of the interesting and beautiful scenes in the rocky outlines of the "north shore." Although he was well aware of the limitations of human life and conscious that he was an old man (eighty-five years), his mental alertness seemed to warrant him in reckoning on sufficient physical strength to undertake another boat trip along the shore where he had coasted twenty-five years before. But it was never to be. The gentle summons came soon, and that last planned excursion over the old route will exist only as a phantom of the hoped-for and unrealized.

Thus one by one the trees of the forest fall. Dr. Brooks was like a sturdy oak, which had breasted many years of storm, and only fell when its functions had been all discharged, and when the fruits of its long life had been numerous and generously disseminated.

In presenting this portrait to the Historical Society, it is appropriate to recall some of the services which Dr. Brooks rendered to the State of Minnesota.

He was born September 18, 1823, at Stockport, England, and came to America in his sixteenth year. His father, the late David Brooks, was a Methodist clergyman well known in Minnesota and in Wisconsin. The son was educated at first at private schools, and in Rock River Seminary, Mount Morris, Ill. He graduated at Wesleyan University, Middletown, Conn., in 1850.

He taught a private school in Watertown, Wis., and mathematics at Lawrence University, Appleton, Wis.; was principal of the preparatory department of Hamline University at Red Wing, 1854 to 1857; was president of the same university from 1861 to 1869; and was president of the Minnesota Educational Association in 1868.

He organized the first Normal School Board, and served as a member of it for two terms. He was also a member of the first Agricultural State Board, where he served as president for two terms. He was elected to membership in the first faculty of the University of Minnesota in 1869, when it was fully organized and opened, and maintained that connection, being professor of the Greek language and literature, until he retired on the Carnegie Pension Foundation in 1909, having completed there a period of forty years.

He served the Methodist Episcopal church in various capacities, being pastor in Milwaukee in 1853, and at the Central Church, Winona, 1859-60; member of the General Conferences of 1864 and 1868; and president of Hamline University, as before noted, from 1861 to 1869. That institution was organized and grew up, while at Red Wing, under his special care and direction. He was a member and an official of the Wesley M. E. Church, Minneapolis. He died at San José, California, January 26, 1910, and was buried in Lakewood Cemetery, Minneapolis.

This painting, which was made by Mr. T. S. Russell of St. Paul, has received the special approval and commendation of his family, and is said by all to be an excellent reproduction, not only of his features, but also of his intelligent and pleasant expression. May it long remain in this State Portrait Gallery as a reminder of one of the best and best loved of Minnesota's citizens.

DR. WILLIAM W. FOLWELL, former President of the University of Minnesota, spoke as follows:

I am safe in assuming that it is expected of me, on this occasion, to speak of Dr. Brooks as a teacher. He had of course other interests, but teaching was his central life work, his pro-

fession. When we became associated in the University forty years ago, he was already a veteran and had won his way to the leadership of the profession in Minnesota. His labors and sacrifices are still warmly cherished by a large body of living Hamline students, and the historian of Hamline will find the romance of that institution in the years of President Brooks' service there.

For forty years it has been my privilege to work by his side. I ought to know his place and worth among teachers. I think I may assume to. A wise critic praised one of my own teachers by saying, "He could make boys, even lazy boys, work hard and like it." Dr. Brooks could do that. The range and depth of his knowledge, his fine art of exposition, his reasonableness in exacting tasks, lent interest and dignity to the matter in hand. His students felt, and they feel it still, that the hours spent in his class-room or in preparation for its exercises were well spent. It was worth while to be there and ready each for his part. The crowning merit of all teaching is to arouse interest and employ the faculties of the student. I lay this laurel on the brow of this great teacher.

The great public cannot well know how much the time and thought of college teachers go to the duties of organization, administration, and discipline. Many of us grudge that time and groan over the burden. Professor Brooks was always ready and willing to share this burden. My heart is full of gratitude for his help and counsel in our days of infancy. His ripe experience, his trained judgment, his perfect knowledge, above all his poise and serenity of temper, made him a tower of strength in the faculty. Many of us could recall occasions when the final word in season of our senior cleared the air, calmed excitement, and showed the way out of the tangle.

Absolutely firm as to principles and ends, he could tolerate all kinds of differences as to ways and means. If he found himself in the minority, which was rare, he knew how to accept the bottom principle of democracy, which is to leave the majority to work out its policy without impatience or obstruction.

It was in cases of discipline that the counsel of Dr. Brooks was perhaps most precious. His mind made him a judge, his

heart a father. He could stand for the majesty of the law, and yet so temper justice to the individual case as to make the offender feel that correction was better than pardon.

The teacher's art is a noble one. "I magnify mine office." But there is more to the teacher's calling than book work and recitations and lectures.

We hear much said about the teaching of morals in the schools. They are taught and must be; and, what is more, character, the ground and source of morals, is formed there. And it is the walk and conversation of the teacher which counts for more than all else in character building. The teacher need not say a single evil word, and yet he may corrupt and literally demoralize every scholar. He need not speak a word in praise of virtue, of things which are noble and just, and yet every boy who sits at his feet may be ennobled and strengthened for the struggle against sin and wrong.

Judged from this point of view, our departed Nestor might bear the palm. His daily walk among us was a challenge to each to be and to do his best. It spoke for purity, honor, courage, temperance, and all the virtues in the calendar.

Serene, unaffected, simple, dignified but always genial, without pretense or ostentation, he passed among us a living example and witness of "the Way, the Truth, and the Life."

His was the path of the just, shining more and more unto the perfect day.



## MEMORIAL ADDRESS IN HONOR OF GOVERNOR JOHNSON.\*

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BY JUSTICE THOMAS D. O'BRIEN.

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John Albert Johnson was the sixteenth governor of Minnesota and the first of her native sons to occupy that position.

He was of Swedish ancestry, was born at St. Peter, Minnesota, July 28, 1861, and died at Rochester, Minn., September 21, 1909.

His death came as a shock to the people, not only of his native state, but of all the states of the Union; for Governor Johnson was one of the public men in America to whom the people looked for good government and the advancement of American ideals. In the public mind he ranked with such men as Roosevelt and Hughes, while those who knew him intimately and loved him well believed he possessed the sincerity, courage, and sagacity of both.

We can readily appreciate the life and experiences of the child of humble immigrants, born in Minnesota in 1861. This boy became the main support of his mother and the family from an early age, and "the uses of adversity" developed in him the very highest qualities, as they always do in one who has within his soul the elemental spark of greatness. So in his mature years Johnson was contented, for he had the sense of duty well performed; he was strong and brave, for he had met and overcome great obstacles; he was faithful, because his whole life had been devoted to the fulfillment of obligations voluntarily assumed.

While his intimate friends knew that he had, and deservedly so, the confidence and affection of many, it was only after his

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\*Read at the monthly meeting of the Executive Council, October 11, 1909.

A biography of Governor Johnson, with a portrait, is in Volume XIII of this Society's Collections, published in 1908, pages 423-460. See also *Life of John Albert Johnson*, by Frank A. Day and Theodore M. Knappen, 1910, 429 pages, with portraits and other illustrations.

death that they realized the extent to which he was beloved by all classes of citizens. The testimonials of grief for his early death, and of respect for his character and achievements, exceeded those ever paid to the memory of a citizen of Minnesota.

Governor Johnson was first of all an optimist, he believed and trusted in the future, he loved his country and its institutions, and his favorite topic was the boundless opportunities which America affords to the industrious and the alert. While keenly alive to the proprieties of official and social life, he ignored differences or grades in the social structure. He did not believe, and apparently did not realize that any one could believe, that one man is, by birth, entitled to more consideration than another. The standing of an individual, so far as he knew, depended entirely upon the conduct and efforts of the individual himself. This with him was not a matter of judgment or education, it came from no reflection upon his part. He was as unconscious of the mental operation leading to this attitude as he was of breathing, and made no more attempt to control his instinct than to regulate his heart beats; and so he met old men and children, famous authors and struggling reporters, great statesmen and humble mechanics, in the same simple straightforward manner, and captivated each in turn.

He had a quality not always found in great men, but one which only great men possess. He not only easily forgave, but apparently entirely forgot his enemies. He was a brave and adroit antagonist, but to "treasure up a wrong" was in his mind worse than useless, for it turned his thoughts from pleasant to unpleasant subjects. He seemed to think that the one guilty of the wrong should carry the burden of remembering it. He never forgot a friend or a kindness, he did not make the mistake of preferring his opponents to his supporters, but the fact that he seemingly was incapable of bearing malice had the constant effect of changing enemies into friends without losing former friends.

As a public official, he exhibited the same characteristics and performed his duties in so simple and direct a manner that he often accomplished much more good than was realized. The

great strike upon the Iron Range was settled without bloodshed, because he visited the Range personally and convinced the strikers that he would put down disorder, and the mine owners that the military power of the state could not be used for private purposes. Later, when sending me as one of a commission to the scene, he said: "If possible, I want to avoid calling out the militia, but if a single life should be lost because of the failure on my part to afford proper protection I would never forgive myself. I want this commission to disregard entirely every political consideration, and to make its recommendations as to my future action solely with regard to what is right."

This was not a public utterance of Governor Johnson. It embodied his private instructions to his confidential and political friends, and I avail myself of this opportunity to make it a matter of historical record.

His sympathy for the poor and suffering was boundless, and yet I have often heard the Chief Justice of this State commend him for his firmness and candor in the performance of his duties upon the board of pardons.

I am reluctant to end this poor tribute to my friend's memory, for I have said so little where so much might be said. Remembering him as he was, picture after picture glides across one's mental vision, each beautiful and more than sufficient to occupy the time allotted to me tonight. His cheerful greeting, his alert mentality, his active sympathies, his brave heart, his devotion to duty, and his reverence for the right, will never be forgotten by those who knew him.

He died while in the prime of life, while flushed with victory, and just when Fortune seemed beckoning him on to still greater achievements. But who shall say his was an untimely death? Memory presents the view of a perfected life, useful, successful, and buoyant. It is complete in itself, and the merciful veil which hides the future from all may have concealed sorrow and unfulfilled ambitions in his life had it continued. "The past is always secure," and we have now the crystallized memory of a man who successfully performed every duty and faithfully fulfilled every obligation imposed upon him.

THE STATUE OF GOVERNOR JOHNSON AT THE STATE CAPITOL.

October 19, 1912, a Bronze Statue of Governor Johnson, by Andrew O'Connor, sculptor, was unveiled on the ground of the State Capitol, near the main entrance of its south side. A Bronze Tablet, placed on the north side of the granite pedestal of the statue, bears this Inscription:

JOHN ALBERT JOHNSON  
JULY 28, 1861      SEPT. 21, 1909  
THREE TIMES GOVERNOR OF  
MINNESOTA  
A POOR BOY, A COUNTRY  
EDITOR, A NATURAL LEADER,  
CUT OFF IN HIS PRIME,  
THE NATION MOURNS HIS LOSS.  
"HIS LIFE WAS GENTLE; AND  
THE ELEMENTS SO MIXED IN  
HIM, THAT NATURE MIGHT STAND  
UP AND SAY TO ALL THE WORLD,  
THIS WAS A MAN."  
THIS MONUMENT IS RAISED TO  
HIS MEMORY BY ONE HUNDRED  
THOUSAND OF HIS FRIENDS.

The Library of this Historical Society received in the following year 1913, by donation of the John Albert Johnson Memorial Commission, through kindness of its Secretary, Mr. Charles W. Ames, the full Correspondence and Records of that Commission, relating to the erection of this statue and a replica of it in St. Peter, these papers being bound in seven quarto volumes.

From the same donor and in the same year, this Library also received a series of six quarto Scrap-Books, containing newspaper memorial notices, editorials, and other articles, gathered during several weeks next after Governor Johnson's death, concerning his character and public services, and evincing widespread sorrow in Minnesota and throughout the United States.

W. U.

## GENERAL JAMES HEATON BAKER.

MEMORIALS PRESENTED IN THE MEETING OF THE EXECUTIVE  
COUNCIL, SEPTEMBER 8, 1913.

A manuscript sent by JUDGE LORIN CRAY, of Mankato, was read by the Secretary, as follows:

General James H. Baker, a life member of the Minnesota Historical Society, died at his home in the City of Mankato in this state on May 25, 1913.

General Baker was born in Monroe, Butler county, Ohio, on the 6th day of May, 1829. He was the son of Henry Baker, M. D., and Hannah Heaton Baker. In his youth he attended the Firnian Academy at Middletown, Ohio, and later the Ohio Wesleyan University. For a period of time he edited the Sciota Gazette at Chillicothe, Ohio, it then being the oldest newspaper in the state. He served as Secretary of State of Ohio from 1854 to 1856, when Salmon P. Chase was Governor of that State. In 1857 he came to Minnesota, and shortly thereafter located with his family in Blue Earth County.

He was elected Secretary of State in 1859 and again in 1861. In 1862 he was commissioned, by Governor Alexander Ramsey, to be Colonel of the Tenth Minnesota Volunteers, then being recruited for service in the War of the Rebellion. He served with his regiment the first year in the campaign against the Sioux Indians, and in the fall of 1863 with his regiment went South. At the close of the war General Baker was appointed Commissioner of Pensions, and afterward Surveyor General for Minnesota. In 1881 he was elected State Railway Commissioner, in which office he served two terms.

For a time General Baker was the editor and proprietor of the Mankato Free Press. A goodly portion of his life in Blue Earth county was spent on a beautiful farm owned by him near Rapidan, where he personally engaged in agriculture, in which he was always much interested and very progressive.

General Baker was always much interested in the early history of Minnesota, and was never more at home than at the



meetings of the old settlers of his county and state. He was pre-eminently a social man, an easy, fluent, and very interesting conversationalist, and hospitable to a fault. He was never more happy than when surrounded by his friends whom he always delighted to entertain.

He was a consistent attendant and supporter of the Methodist Church, and also belonged to the Masonic Order, as well as the Elks, the Grand Army of the Republic, and the Loyal Legion.

He was a power to be reckoned with in politics, and his influence was always felt in the civic and social life of the community in which he lived, and always for the betterment of conditions and of humanity in particular. The life of General Baker stands out as one of pronounced individuality, and of great strength of purpose.

On September 25, 1851, he was married to Rose Lucia Thurston at Delaware, Ohio, who died March 20, 1873. On December 23, 1879, he was married to Miss Zula Bartlett, who survives him and now resides in the homestead in Mankato.

General Baker was laid away in beautiful Glenwood Cemetery in Mankato. His funeral was held on Wednesday, May 28, 1913, being largely attended.

MR. THOMAS HUGHES, of Mankato, contributed the following Memorial of General Baker as an Author:

The late General James H. Baker was a man of many splendid talents. Eminent as he was as an orator, warrior, and statesman, he also possessed rare talents as an author. His numerous and valuable historical and biographical contributions found in the publications of this Society attest this fact. Among these papers are "History of Lake Superior," "The Sources of the Mississippi River," "Transportation in Minnesota," and "The Lives of the Governors of Minnesota." All these writings show great research and a masterly selection and presentation of the mass of material their author was always able to discover.

The general had a very acute mind and retentive memory, and his long life spanned one of the most eventful periods of the world's history; and so far as this related to the "Middle West" of our own country, he had a personal acquaintance

with most of the great men and a personal touch with most of the big events which went to make up that history. Hence the ease with which General Baker could always command the right material and infuse into it the very life and atmosphere it had when it was the actual reality.

Besides the very unique relation he bore to the people and the times concerning which he wrote, the general had a remarkable command of the English language and a fervid literary spirit, which gave force, fitness, and finish to every sentence he penned. His style is never dull nor florid, but always elegant, incisive, and vigorous.

His monograph on "The Sources of the Mississippi" is a valuable contribution to geographic knowledge, and it dealt a mortal blow to certain theories as to the head of the great river once in vogue. His "History of Lake Superior" did much to call attention to the world's greatest waterway and the world's greatest iron mines. "The Lives of the Governors of Minnesota," forming Volume XIII of this Society's Historical Collections, written at the eventide of our author's life, is a fitting climax to his literary activity, being truly a great work, which will grow in worth and importance as the years go by.

Mighty was he with tongue, sword, and pen, and his passing removes from our midst one of our greatest and best citizens.

Former GOVERNOR VAN SANT, of Minneapolis, wrote:

General J. H. Baker's death was a great loss to the state. He served Minnesota long and faithfully. He was a brave soldier with an untarnished record, and was universally loved by all his comrades of the Grand Army of the Republic; a most exemplary citizen; a statesman of ability; a forceful and eloquent public speaker; an author of recognized merit; and his devotion to his family is an object lesson to every man who loves his home.

Personally I deeply deplore his departure, for "he was my friend, faithful and just to me." He lived long and well; why then should we mourn? Let us rather emulate his many virtues, so that it may be said of us as of him, "Well done, good and faithful servant."

HON. HANFORD L. GORDON, formerly of St. Cloud and Minneapolis, now of Los Angeles, California, wrote:

I met General Baker first in the political campaign of 1860. I heard him then make one of the very ablest and most eloquent speeches I had ever listened to, though I had heard speeches by Daniel Webster, Daniel S. Dickinson, William H. Seward, Joshua R. Giddings, Benjamin F. Wade, Stephen A. Douglas, Abraham Lincoln, and many other noted orators. I say now, after hearing many speeches delivered by General Baker, that in true eloquence he was the peer of all of them, and in power the superior of all of them, Abraham Lincoln excepted. Once I heard Henry Clay, when I was in my "teens" and Clay was an old man, somewhat enfeebled doubtless by age and disappointment; but the old fire flashed as he "picked his flint and tried it again,"—at any rate, he electro-fired me. When I heard General Baker the first time (and many times after), the image of Henry Clay came before me like a flash.

Disraeli said: "Man is not the creature of circumstances; circumstances are the creatures of men." From my very soul, and from seventy odd years of observation and reading, I seriously disagree with Disraeli. Man is, in a large measure, the creature of circumstances. If General Grant had had no Washburn to push and back him, he might have died a poor unknown tanner in Galena. If circumstances had not called for Napoleon, he would never have deluged Europe with blood and met his Nemesis in Moscow, and finally at Waterloo. If Joaquin Miller, one of the truest American poets, had been born and raised in Boston, and had belonged to the literary clique of Harvard and the Atlantic Monthly, his "Songs of the Sierras" and his "Columbus" would be recited in the high schools and colleges of America today, along with Longfellow and Whittier.

General Baker was too proud a man, too great a man, to go to the newspapers and buy "glory." He ought to have been United States Senator from Minnesota; but he was too good, too brave, to buy it.

Let me speak of his literature. His "Song of Friendship," an eulogy on his dead friend, Charles Scheffer, proves him a poet. His splendid articles on northern Minnesota, published in the Pioneer Press, show his fine descriptive powers, and his

far-seeing mind. His many public addresses stamp him, not as an ordinary eulogist, but as a man of sound sense, varied experience, and wide learning. His "Lives of the Governors of Minnesota" proves him to have been a fair and impartial historian, giving to even his political opponents fair and just credit, and withholding mere personal criticism.

The faultless man is yet to be born, but when I look back on more than fifty years of my knowledge of and friendship for General Baker, I can see fifty faults in myself where I can see one in him. As a military officer in the Civil War, he did his duty and did it thoroughly. Circumstances, the orders of superiors, assigned him to important but less conspicuous positions. In these he did his duty faithfully and to the utmost. In the campaign against the Sioux outbreak he proved his personal bravery. Knowing him as I did, I know he would have proved it elsewhere, in the Civil War, whenever and wherever "circumstances" and the orders of his superior officers permitted him to do it. Men do not make circumstances; circumstances make men,—or, at least, the reputation of men.

I am proud (if I am proud of anything) that General Baker was my friend; but he was not the friend of his friend's faults, as I have had reason to know, and I honor him for it. I never had many true friends; I never sought for many. I know that he was one of the sincerest, a true and honest friend.

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### LOREN WARREN COLLINS.

In the monthly meeting of the Executive Council, January 13, 1913, HON. COLIN F. MACDONALD, of St. Cloud, presented the following memorial:

During the past year or slightly more, we in St. Cloud have suffered the loss of a number of pioneer heroes, principal among them Loren W. Collins, soldier, jurist, and model citizen; Henry C. Waite, member of the State Constitutional Convention, miller, merchant, and state legislator; Nehemiah P. Clarke, government contractor, leading lumberman, breeder of prize livestock, and banker; Josiah E. West, captain in the Seventh



Minnesota regiment, and St. Cloud's most progressive and public-spirited citizen.

Loren Warren Collins, late Associate Justice of the Supreme Court of this state, a life member and Vice President of this Historical Society, was born in Lowell, Mass., August 7, 1838; and died in the city of Minneapolis, September 27, 1912. He had been in attendance at the National Encampment of the Grand Army of the Republic the week of September 8th, apparently in good health, but became ill of heart trouble and hurried home only to answer the last roll call of the veteran soldier. For him "taps" had sounded. Judge Collins descended from old New England stock, his ancestors coming to the New World in 1650. Great-grandfathers on both parents' side were Continental Soldiers in the Revolutionary War. Some of his ancestors served in the French and Indian War of 1760, King William's War, the defence of Fort Edward and of Black Point. They also held many positions of trust and responsibility in civil life, one being the last Colonial Governor of New Hampshire. From such honored lineage Loren W. Collins descended.

In 1853, the "call of the West" attracted his father, and they journeyed to the Territory of Minnesota, settling on land in Eden Prairie, Hennepin county. Up to this time young Collins' education had been limited to only such as was afforded by the public schools of Chicopee and Palmer, Massachusetts, where his father, as a mill operative, resided. In 1856 the family removed to a new home in Dakota county, near Hastings.

In the fall of 1858, young Loren taught a four months' term of school near Cannon Falls, receiving therefor a school district order for \$60. Ambitious to rise in the world, and feeling that he now had resources sufficient for a start, he began the study of law in the offices of Smith, Smith & Crosby, at Hastings.

On August 15, 1862, he responded to President Lincoln's call for volunteers, and enlisted in Company F, Seventh Minnesota Volunteer Infantry, and was at once promoted to second lieutenant. The great Sioux Indian outbreak occurring a week later, the regiment was ordered to the frontier, under Lieut. Col. William R. Marshall. Lieutenant Collins participated in the Sibley campaign of that year, ending in the battle of Wood Lake, the defeat of the Sioux, and the release of the captive



women and children. The next spring and summer he served with his regiment in General Sibley's campaign across the plains to the Missouri river and return.

October 7, 1863, the Seventh regiment was ordered South. For six months he was an officer of the Provost Guard in St. Louis, Missouri. In July, 1864, the Seventh was ordered to Tennessee and Mississippi, and was actively engaged until the close of the war. This regiment participated in the battle of Tupelo, Miss.; the Oxford, Miss., raid; the campaign in Arkansas and Missouri in pursuit of the Confederate General Price; the two days battle of Nashville, resulting in the defeat of General Hood and annihilation of his army; the investure of Mobile, Ala., and the capture of Spanish Fort, April 9, 1865. During this period Collins was promoted to first lieutenant, and was breveted captain March 26, 1865. From April until August, 1865, he was Post Adjutant at Selma, Alabama.

As a soldier, Captain Collins exhibited the same traits that marked his subsequent life. He was genial and companionable with his associates; he was zealous and energetic in the performance of every duty, or in the discharge of every order; and in battle he was gallant and fearless.

He was admitted to the bar shortly after his muster out, which was on August 16, 1865.

He took up his residence in St. Cloud in 1866, and at once engaged in the practice of his profession, which he continued for seventeen years in the large district covering central and northern Minnesota. During these years he was called upon to fill many official positions. He was mayor of St. Cloud four terms; was also four terms the county attorney of Stearns county; and was for two terms a representative in the Legislature.

In April, 1883, he was appointed District Judge, and by subsequent election served four years. November 16, 1887, he was appointed an Associate Justice of the Supreme Court, to succeed Justice Berry, deceased. The following year he was elected to succeed himself, and again in 1894 and also in 1900. He resigned in 1904, thus having served twenty-one years on the Bench,—four years as Judge of the Seventh Judicial District, and seventeen years as Associate Justice of the Supreme Court.

While a member of the Supreme Court, Justice Collins wrote over fifteen hundred opinions. On October 23d last, memorial exercises were held before that tribunal in his honor, at which several eulogistic addresses were delivered.

I quote the following paragraph from the address of the chairman of the committee presenting the memorial:

He was a learned, clear headed, right minded, honorable and just Judge. He met all the requirements of his great office. His service as a member of this court was contemporary with that of some of the greatest jurists of the state. For years he was a co-laborer with Chief Justice Gilfillan and Justices Mitchell, Dickinson, and Vanderburgh. He had great capacity for work and was a man of extraordinary industry. Patient, tireless, painstaking, he could not rest content with a single duty unperformed. He had an attentive mind and a retentive memory. He grasped with readiness the facts in a case, even to the minutest detail, and with ease arranged them in orderly sequence, so that with the law clearly in mind he could speedily reach a right conclusion.

In 1904 Judge Collins was an aspirant for the Republican nomination for Governor in one of the most closely contested political campaigns ever known in Minnesota. Although failing by a narrow margin in securing the coveted prize, the support accorded him was a high tribute to his worth and eminent fitness.

At the age of sixty-six years Judge Collins resumed the practice of the law in Minneapolis, and met with unusual success for one of his years. He resided in that city the remainder of his life.

During his residence of more than forty years in St. Cloud, Judge Collins enjoyed the respect, esteem, and confidence of his friends and fellow citizens in a marked degree. He was a man of sterling quality, of great moral courage, and of unblemished honor. Having lived for thirty-eight years in the same community, which he always regarded as his home, I can bear testimony to the high regard in which he was held by his neighbors and fellow citizens. His word was as good as a government bond. His clients had undoubted faith in his judgment and advice, and opposing counsel respected and admitted the soundness of his opinions. Under such conditions he naturally secured a large clientage, in a practice which extended

through the counties of Stearns, Benton, Sherburne, Mille Lacs, Morrison, Todd, Douglas, and others. Although a strong Republican, his Democratic fellow citizens, in that stronghold of Democracy, frequently elected him to office.

Lieutenant Collins was a splendid soldier. Although I was not personally acquainted with him in the dark days of the war, I served in the same division of the Sixteenth Army Corps, and I saw much of him in the field, as he was a mounted staff officer and frequently rode along the line of march or battle front. I was greatly impressed with the zeal, energy, and dash with which he bore dispatches from point to point. The memories of those war days were ever strong with Judge Collins, and he cherished a warm regard for his veteran comrades, a feeling which was reciprocated an hundredfold. He was prominent in Grand Army circles, and in the Department of Minnesota was elevated to its highest honor, that of Department Commander. He was also closely identified with the National organization, in which he was very popular. Had he lived, in my judgment, he would have become Commander-in-Chief.

He took a great interest in the Military Order of the Loyal Legion of the United States, and was commander of the Minnesota Commandry for one year. He was also a member of the Society of Colonial Wars in this State, and of the Sons of the American Revolution.

Judge Collins was married September 4, 1878, to Miss Ella M. Stewart, of Berlin, Wis., who died May 31, 1894. Three sons and one daughter were born to them. The daughter died in 1887. The three sons survive,—Stewart Garfield, Louis Lorin, and Lorin Fletcher,—to receive the splendid heritage of manliness and good citizenship bequeathed them by one of the most devoted of fathers.

The funeral services were held at St. Cloud on Sunday, September 29, in the Unitarian Church, of which he was a member, and were attended by a large concourse of the late friends and neighbors of the deceased jurist. Eulogistic addresses were delivered by the minister of the church, the Commanders of the Loyal Legion and Grand Army of the Republic, United States Senator Knute Nelson, and Judge Ell Torrance. The touching Grand Army ritual, by the old veterans of his Post, paid affec-

tionate tribute and farewell to their comrade. Interment was made in North Star Cemetery, by the side of his wife and daughter, with Masonic ceremonies.

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### FRANCIS MARION CROSBY.

The following memorial was presented by MR. EDWARD C. STRINGER, formerly of Hastings, now of St. Paul, in the monthly meeting of the Executive Council, December 12, 1910.

Francis Marion Crosby, descendant of colonial stock, was born in Wilmington, Vermont, November 13, 1830, and died in Hastings, Minnesota, November 15, 1910, at the age of eighty years and two days. He received his scholastic education in the public schools of Wilmington, Vt., and in Caesar's Seminary at Swanzey, N. H.

After his graduation from this seminary he taught school for a few years, and then entered the office of Oscar L. Shafter of Wilmington, as a student of law, and thereafter the office of Daniel Roberts of Manchester, Vt. In 1858 he was admitted to the Vermont bar. On his admission to the bar he formed a partnership with Stephen P. Flagg, and engaged in the practice of law at Wilmington. In 1855 and '56 he represented the Wilmington district in the Legislature of Vermont.

In 1858 he removed to Hastings, Minnesota, in 1860 was elected to the office of Judge of Probate of Dakota county, and declined a re-election at the end of the term. Shortly thereafter he entered into partnership with John R. Clagett, which continued until 1871.

In November, 1871, he was elected Judge of the First Judicial District of the State of Minnesota, which position he held without interruption until his death. His service of nearly thirty-nine years on the bench made him in years of continuous service the oldest judge on the Minnesota bench.

Judge Crosby was a member of the Society of Colonial Wars; he was also a member of the Minnesota Society of Sons of the American Revolution, and was president of the latter



society in 1905 and '06. He was elected a life member of the Minnesota Historical Society April 13, 1903.

Judge Crosby was twice married, May 30, 1866, to Helen M. Sprague, who died November 16, 1869, leaving a son, Frank N. Crosby of New York City; October 23, 1872, he was married to Helen S. Bates, who died Oct. 2, 1909, leaving two daughters, Miss Marion E. Crosby of Hastings and Mrs. E. L. Prescott of Portland, Oregon.

His funeral services were held in the Episcopal Church at Hastings, Minn., of which church he was a communicant, and were attended by a large body of distinguished citizens and members of the bench and bar from the Twin Cities and other portions of the state.

These are the mountain peaks of his life, but between them lie beautiful valleys of fruits and flowers, the sweetness and fragrance of which are best known to those who knew him best. His extraordinary term of service on the bench would ordinarily, alone, be a sufficient commentary upon his ability, integrity, and fidelity in the discharge of the duties of his high office, and upon the confidence, esteem, and appreciation of his fellow citizens. But Judge Crosby was not an ordinary man or an ordinary judge; and such commentary inadequately characterizes the nobility of the man or the qualities of the jurist. Judge Crosby possessed an inborn nobility of character second to none,—a fine-grained, chivalrous nature, which had not to assume the outward appearance of gentility, courtesy, and native refinement, but manifested them at all times because they were inborn.

He was a remarkable, impartial, just, and discriminating jurist,—patient, painstaking and conscientious, quick of perception, yet reaching conclusions only after study and reflection; a judgment once formed was unalterable. He stood like adamant, and his decisions were rarely reversed by the Appellate Court. A keen student of human nature and appreciative of its frailties, he tempered justice with mercy; possessing the highest sense of personal and professional honor, he abhorred sham, chicanery and trickery in every form, and rarely did it go undiscovered or bear fruit in his court. Judge Crosby was most conscientious, but always possessed the cour-



age of his convictions. He was conscientiously opposed to the infliction of capital punishment, and for that reason refused to try criminal cases in which he might as a judge be called upon to impose the penalty his conscience disapproved.

He was a well beloved and esteemed judge, citizen, and friend.

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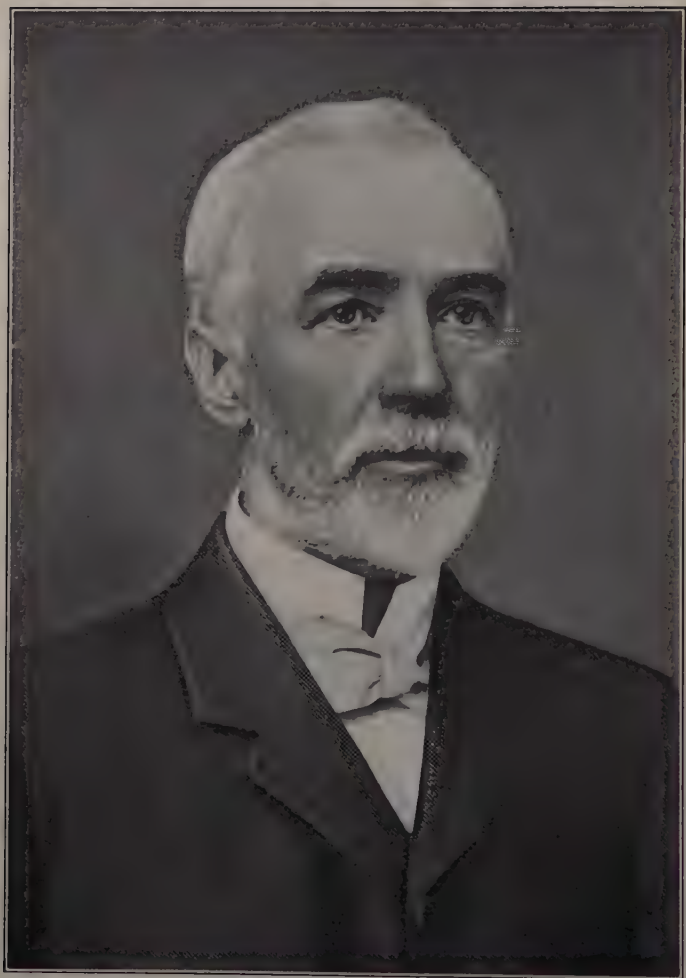
### CLARENCE CHRISTOPHER DINEHART.

In the Council Meeting on September 12, 1910, HON. JULIUS A. SCHMAHL, Secretary of State, presented this memorial:

It is with a feeling of poignant regret that I have recalled to my mind tonight the passing away of two friends,—the one in the ripe old age of venerable manhood, and the other cut down in the richest bloom of political and commercial prosperity. The former, William Pitt Murray, became my friend as far back as 1885, when, as corporation counsel to the city of St. Paul, he seemed to take a deep interest in my success in entering on my career as a newspaper reporter, giving me much friendly advice, and in after years he was a close observer of my political career. The latter friend, Clarence C. Dinehart, for whom the task of preparing a brief history of his career has been assigned to me for this evening, was an acquaintance and friend of long after years. Indeed, it was not until his memorable campaign of 1906, when he became the successful Republican nominee for state treasurer, that he became known to and loved by me.

Clarence Christopher Dinehart was born to Mr. and Mrs. C. E. Dinehart in Chicago on April 3, 1877. At the age of seven he came with his parents to Slayton, Minnesota, and attended the village school. He next attended the Central High School in Minneapolis, continued his studies at the State University, and was graduated from that institution in 1899. He was a member of the class of 1899, and was prominent in student activities. He was a member of the glee and mandolin clubs, and was a soloist with the glee club in its trips throughout the Northwest. In his junior year he was secretary of the University Musical Association and editor-in-chief of the 1899





*Amos H. Denny*

MINNESOTA HISTORICAL SOCIETY.  
VOL. XV. PLATE XIX.

Gopher, the junior annual at the University. He was a member of the Delta Upsilon fraternity, and of the Castalian literary society.

After graduating from the University he returned to Slayton and served as assistant cashier in his father's bank. In 1902 he was elected mayor of the village, but resigned that fall to pursue the law course at Harvard University. He completed this in 1905, and the next year he was urged to run for the office of state treasurer. He made one of the most phenomenal campaigns ever made in the State, was nominated on the first ballot, and was elected by an overwhelming majority. His next election followed as a matter of course. In the administration of the office he exhibited rare talents as an executive officer. He developed ability of a high order as a public speaker and was in great demand at commencements, old settlers' gatherings, picnics, conventions, and fraternal meetings and similar gatherings.

His executive ability, pleasing personality, and oratorical powers, attracted general attention; and almost with one accord the leaders in his congressional district looked to him as a suitable candidate for the Republican nomination for Congress this year. He was just about to enter an active campaign for that office when stricken by death, on June 8, 1910.

A beautiful life has gone out, a brilliant career has been cut short; but there is consolation in the knowledge that he accomplished so much in the time he lived, and satisfaction in the success attained.

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#### WILLIAM HOOD DUNWOODY.

The following memorial was presented in the Council Meeting on April 13, 1914, by DR. CYRUS NORTHPROP, President Emeritus of the University of Minnesota.

I appear before you tonight at the request of your committee, to present a memorial address in honor of the late William H. Dunwoody, who had been a life member of the Minnesota Historical Society since March 8, 1897, and a member

of its Executive Council fourteen years, since January 8, 1900. I do this with some pleasure, because the subject is an inspiring one; but I do it with some reluctance, because it was not my good fortune to know Mr. Dunwoody at all intimately. Aside from my own very clear conviction as to his character, I must rely almost entirely upon the testimony of others for material out of which to construct a memorial address. This partial disqualification may possibly result in keeping my words of appreciation within such limits as Mr. Dunwoody himself, if he could speak, would approve. I trust it may not result in my doing less than justice to his character and achievements.

William Hood Dunwoody was born in Delaware county, Pennsylvania, March 14, 1841. At an early age he was employed as a clerk in the grain and feed store of his uncle, in Philadelphia. He first came to Minneapolis in 1869 as a purchaser of flour for eastern concerns. He had a strong desire to own and operate a flour mill, and two years later, in 1871, he became a mill owner, operating the Arctic and Union mills in Minneapolis.

In 1877, at the request of General Cadwallader C. Washburn, the owner of the Washburn Mills, who desired to establish direct trade in flour between Minneapolis and Europe, Mr. Dunwoody undertook the task of establishing the desired trade relations. He visited Europe for the purpose, and although he encountered many obstacles he finally succeeded. It is said that the Minneapolis millers today attribute the great volume of business done by the mills to the efforts of Mr. Dunwoody in those early days.

In 1879 Mr. Dunwoody became a partner with Governor Washburn, John Crosby, and Charles J. Martin, in the firm of Washburn, Crosby and Company; and his interest in this great and prosperous company continued without interruption to the end of his life. He contributed in a large way to the permanence of the milling business in Minneapolis. First of all, then, in the matter of business, he was a miller. Other enterprises in which he became interested and in which he took a commanding part were the by-products of his energy, though they alone were of sufficient magnitude to satisfy the ambition and employ the energies of most men.



Mr. Dunwoody was for many years conspicuous as a banker. The Northwestern National Bank of Minneapolis is today a powerful financial institution. It owes much of its strength to the wise counsels of Mr. Dunwoody, who was chairman of its Board of Directors for thirty-eight years, its president for nearly ten years, and twice its vice president. Although in 1911 he resigned the presidency of the bank, he still remained chairman of its Directors, and his guiding wisdom was enjoyed by the bank almost to the end of his life. The value of the services thus rendered can be specially appreciated by business men whose life sometimes depends on their credit at a bank, which in turn has its own power to give credit dependent on the wisdom and business sanity of the bank officials.

For twenty-five years Mr. Dunwoody was a director of the Great Northern Railway Company, and we in Minnesota understand how much that meant. His intimacy with the president of the Great Northern shows that he was no merely nominal director, but an important and influential member of the directorate of the great railroad that has done so much for the Twin Cities and for the entire Northwest. Undoubtedly his connection with the Great Northern railway contributed in several ways largely to his success in business.

Mr. Dunwoody was of Scotch Presbyterian descent, and he was loyal all his life to his denominational antecedents. He was for many years a trustee of Westminster Presbyterian Church, and was a regular contributor to its support and to the various outside missions and schools which it conducted.

He gave to the City of Minneapolis the land on which the Hopewell Hospital was built. When in the latter part of his life he built a new home, he gave his old home, a substantial brick residence, as a home and boarding house for needy women.

When the movement was started for an Art Museum and Mr. Clinton Morrison gave for the Museum a site valued at two hundred fifty thousand dollars, on condition that five hundred thousand dollars be raised for a building, Mr. Dunwoody started the subscription for a building by pledging one hundred thousand dollars. This appears to be the only large gift in his lifetime which was made with special publicity, and this

was made so only as an example and incentive to others; and as a result the requisite amount was subscribed at the first meeting held for the purpose, at which announcement was made of Mr. Dunwoody's gift, he himself being modestly absent.

Mr. Dunwoody's life was not spectacular. He was a business man. He conducted his business wisely and successfully. He made few if any mistakes in making investments. He never speculated. He never gambled. He believed in everybody's earning what they received; and he seems to have accumulated his large fortune by old-fashioned honest methods, and not by monopolizing the gifts of nature intended for the whole human family. While prospering in business and accumulating wealth, he was not unmindful of those who were less fortunate and who needed help, and his gifts were freely and wisely and unostentatiously given. The world knew little about what he gave, but it did not regard him as lacking in liberality.

When on Sunday, February 8, 1914, he passed away, no voice of criticism or censure was heard. The public felt that a good citizen, a generous kindly man, a true friend of whatever was best for city, state, or nation, had gone from them. His business friends mourned the loss of a wise counselor; his personal friends mourned the loss of a gentle and congenial friend; the public appreciated the loss that had come to the city, and, in recognition of his worth, paused in its activities long enough to think of what he had been and had done, and to regret that so good a citizen had been taken away. This is about the way the record stood after the news had been circulated that Mr. Dunwoody had died at seven o'clock in the morning of Sunday, February 8, 1914.

And then, after his body had been borne to its last resting place, and the world had again taken up its work, there came the publication of the will. And what a will it was! So wise, so clear, so thoughtful of all who might reasonably expect to be remembered, so helpful to those to whom was intrusted the care of his estate, so magnificently generous to causes devoted to human welfare!

He generously and wisely provided for his wife and his three nieces, and for other friends; and then he divided the residue of his estate in such a way, and bequeathed it for such purposes,

as to insure the admiration and gratitude of his fellow citizens for all time to come.

I wish I could include the whole will in this address. It alone would be a sufficient memorial to the philanthropist, the citizen, the man. Let me at least record here his specific bequests, that they may stand for all time in your treasure house of memorials to the noble men who have made Minnesota what she is.

Mr. Dunwoody left an estate of about seven millions of dollars. Two million two hundred two thousand he left to his wife, relatives, and friends. The remainder of the estate, amounting to four million six hundred and one thousand dollars, he bequeathed to the public for educational, philanthropic, and religious purposes. His gifts in detail are as follows:

|                                                                        |             |
|------------------------------------------------------------------------|-------------|
| To the Dunwoody Industrial Institute, Minneapolis .....                | \$2,000,000 |
| Minneapolis Society of Fine Arts .....                                 | 1,000,000   |
| Trustees of Westminster Church, Minneapolis .....                      | 175,000     |
| Minneapolis Young Men's Christian Association .....                    | 50,000      |
| Minneapolis Woman's Boarding Home .....                                | 1,000       |
| Presbyterian Board of Relief for Ministers .....                       | 100,000     |
| Presbyterian Board of Home Missions .....                              | 100,000     |
| Presbyterian Board of Foreign Missions .....                           | 100,000     |
| Dunwoody Home for Convalescents, Newtown Farm, Penn-<br>sylvania ..... | 1,050,000   |
| Merchants' Beneficial Association, Philadelphia .....                  | 10,000      |
| Newtown Burying Ground, Pennsylvania .....                             | 5,000       |
| Merchants' Fund, Philadelphia .....                                    | 10,000      |
|                                                                        | <hr/>       |
|                                                                        | \$4,601,000 |

To his family and friends he bequeathed as follows:

|                                                |             |
|------------------------------------------------|-------------|
| To Mrs. W. H. Dunwoody .....                   | \$1,500,000 |
| Three nieces, \$150,000 each .....             | 450,000     |
| Other relatives, friends, and associates ..... | 252,000     |
|                                                | <hr/>       |
|                                                | \$2,202,000 |

The children of today will bless him for remembering their needs and providing most generously for their training in manual labor; the lovers of art will hold him in grateful remembrance for his noble provision for the gratification and culture of lovers of beauty; the church which he loved, and its missionary societies, will never forget the great contributions he

made to their work. The Young Men's Christian Association will rise into a higher and broader life in new quarters under the inspiration of his gift. Thousands of convalescents in his old home in Pennsylvania will take in new draughts of life in the healthful quarters his liberality has created for them. Other organizations will be enabled to widen their work and extend their service through his aid,—all this in our day,—while generations as yet unborn will in the coming years rise up and call him blessed.

While all the bequests of Mr. Dunwoody's will are wise, no other one is wiser, or destined to be productive of greater good, than his bequest of two million dollars to the Dunwoody Industrial Institute. Such an institution as he had in mind is greatly needed. Apprenticeship is no longer usual in this country. Some large institution to which young people can go and learn the use of tools, the principles of mechanics, and skill in mechanic arts, has been greatly needed for years.

Another citizen of Minneapolis had it in mind some years ago to establish such an institution in connection with the Agricultural Department of the State University, but he died before his plans were fully matured.

The Institute for which Mr. Dunwoody has made provision is to be so large, so hospitable to all who desire to enjoy its privileges, so beneficent in its influence, that only the full text of that part of the will devoted to this bequest can give an adequate idea of Mr. Dunwoody's foresight and wisdom; and I need not apologize, I am sure, for quoting this in full.

Believing that in the multiplied facilities for obtaining a liberal education by the youth of this state, enough attention has not been given to instruction in the industrial and mechanical arts, therefore, it is my purpose and desire to establish and endow a school to be called "The William Hood Dunwoody Industrial Institute," wherein shall be taught industrial and mechanical arts, giving special importance to the different handicrafts and useful trades, including as of special importance the art of milling and the construction of milling machinery; and I desire that such school be established and maintained and such endowment fund be administered by and through a corporation. Therefore I will and direct that the executors of this Will shall, during the life of the youngest of the executors named in this Will, and before the final decree is taken, in the administration of my estate, organize or cause to be organized under the laws of the



state of Minnesota, a corporation the name of which shall be "The William Hood Dunwoody Industrial Institute," if such name shall be permitted by the laws of the State of Minnesota, and if not, then by such name to be selected by my executors as the laws of the state will permit, with powers and purposes ample to receive, own and administer this fund and endowment and all the property covered thereby, and to establish and maintain a school to be called "The William Hood Dunwoody Industrial Institute," wherein instruction in the industrial and mechanical arts, giving special importance to the different handicrafts and useful trades, including as of special importance the art of milling and the construction of milling machinery, shall be given free to the youth of the City of Minneapolis and State of Minnesota, without distinction on account of race, color, or religious prejudice; and to make such rules and regulations as may be proper or necessary for the admission of pupils to said school, always having in mind my wish that the benefits thereof be given to as many as practicable with the means in its hands; and, to that end,

I give, devise and bequeath to such corporation all the rest, residue and remainder of my property of whatsoever nature and wheresoever situate, to have and to hold to it and to its successors, having like corporate powers and purposes, and assigns, forever. And if the laws of the state of Minnesota regulating the formation of such corporations shall so permit, I will and direct that James S. Bell, W. G. Crocker, Charles Cranston Bovey, John Crosby, Franklin M. Crosby, Elbridge C. Cooke, Robert W. Webb, E. W. Decker, Joseph Chapman, William H. Bovey, John Washburn, and F. G. Atkinson, be named as trustees of such corporation; and if the laws of the State of Minnesota will not permit of all of them being named as trustees, then it is my will and I direct that so many of them as the law will permit to be named as trustees be so named, the selection to be made from the persons specified in the order in which their names are written herein; and if the laws of the State of Minnesota will not permit the naming of any of the persons above named as trustees in the formation of such corporation, then it is my will and I direct that my executors name such other persons, either including or excluding themselves, as they may deem proper to act as trustees in the formation of such corporation. And in the formation of such corporation, if the laws of the State of Minnesota will so permit, it is my will and I direct that the trustees who shall have the management of such corporation shall not be less than seven nor more than fifteen; and if the laws of the State of Minnesota will so permit, it is my will and I direct that the trustees of said corporation shall have power and authority to fill any vacancy in their number arising from death, resignation, or otherwise, to the end that a continuity of purpose and the best interests of said school may be promoted and preserved.

It is my will and I direct that said corporation select and procure a suitable site for said school in said City of Minneapolis, and con-



struct and erect suitable buildings and structures for the purposes of said school on said site, using and employing in purchasing the site and the erection and construction of such buildings not to exceed one-third of the amount devised and bequeathed to it; and I direct said corporation to use and employ ninety per cent of the net annual income arising from the remainder of said fund bequeathed to it in opening and maintaining a school in said buildings, to be called "The William Hood Dunwoody Industrial Institute," wherein instruction in the industrial and mechanical arts, giving special importance to the different handicrafts and useful trades, including as of special importance the art of milling and the construction of milling machinery, shall be given free to the youth of the City of Minneapolis and the State of Minnesota, without distinction on account of race, color, or religious prejudice; and to make such rules and regulations as may be proper or necessary for the admission of pupils to said school, always having in mind my wish that the benefits thereof be given to as many as practicable with the means in its hands. And I direct that said corporation take and hold all the remainder of the moneys and property which it shall receive under this bequest, after paying for said site and the erection of said buildings and structures as hereinbefore specified, as and for a permanent endowment fund; and I direct that the moneys and property held by it as and for such endowment fund be invested and re-invested in the investments and securities specified by and in the manner provided in Clause Fourth hereof, if that shall be permitted by the laws of the State of Minnesota; and that ninety per cent of the net annual income only arising therefrom be used and employed in the maintenance and support of said school, the remaining ten per cent of the net annual income to be held as and for an emergency fund to be used and expended whenever necessary to meet unforeseen contingencies and emergencies; my purpose and aim being to provide for all time a place where the youth of this city and state may, if they so desire, learn the different handicrafts and useful trades and thereby fit themselves for the better performance of life's duties.

And I hereby authorize and empower said corporation and its successors to sell, dispose of and freely alienate any and all property, real, personal, or mixed, which it shall receive under this the residuary clause of my Will; and nothing herein shall be construed as in any manner limiting the free alienation at any time of any part of said fund and endowment by said corporation or its successors; but it is my wish that said corporation and its successors invest and re-invest the funds which shall come into its possession and under its control in the investments and securities specified by and in the manner provided in Clause Fourth hereof, if that be permitted under the laws of the State of Minnesota; otherwise in such securities as the law permits.

It is my desire and I will that this Will be so read and construed as to permit such residue of my estate to be so donated and used free

of any and every prohibited trust feature and free of any and every rule of law which may make my aims and purposes uncertain; and to that end my directions as to details herein may be construed, if necessary, as suggestions. And until said corporation is created as herein provided, the legal title of the residue of my estate, and all of the same, shall vest in Kate L. Dunwoody, C. C. Bovey, and John Crosby, as executors of my Will, charged with my wishes, directions and will, with full power and authority unto my said executors, Kate L. Dunwoody, C. C. Bovey, and John Crosby, or a majority of them, while they hold the legal title to the residue of my estate, to sell, dispose of and freely alienate any and all property, real, personal, or mixed, so held by them.

William C. Edgar, a close friend of Mr. Dunwoody, speaks as follows, respecting "the unostentatious good" which he did:

"Mr. Dunwoody was one of the very few people in this world who 'do good by stealth and blush to find it fame.' The most unpretentious of men, it seemed actually to pain him to be praised for his innumerable kind and generous acts; and as far as possible, he avoided receiving thanks or acknowledgments. His gentleness, his thoughtfulness for others, his readiness to help in time of need, his true kindness of heart, and his sympathy with those in distress or trouble, made him sincerely beloved by all who knew him; but he was so excessively diffident about being given credit for what he did that very few indeed, even among his most intimate associates, realized to what extent his acts of benevolence reached."

May I be pardoned if in a few words I give you my personal impression of Mr. Dunwoody as a man? First of all, he had not a particle of that air of self-importance which wealth sometimes bestows upon men when they become rich. He was modest. He was gentle. He was a gentleman. He did not draw you to him by any effort on his part. He did not repel you by aggressive self-assertion. With all his wealth, he seemed not unmindful of the fact that the things which are seen are temporal, but the things which are unseen are eternal. Upright, clean, quiet, efficient, earnest and kind, he was

"A combination and a form indeed

To give the world assurance of a man."

And how true it is of him that though now "he rests from his labors, his works do follow him."

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## SAMUEL BOWDLEAR GREEN.

BORN SEPTEMBER 15, 1859; DIED JULY 11, 1910.

In the Council Meeting on September 12, 1910, DR. CYRUS NORTHRUP presented this memorial:

A great sorrow has come to us all. The friend whom we loved, the man whom we honored, the scientist on whose knowledge and skill we relied, and the executive whose forceful and wise carrying out of plans gave the fullest assurance that everything committed to his management would be most successfully done, has been stricken down in a moment, when apparently he was in the full vigor of virile strength, in the very flower of healthy manhood. What it means to him we do not know. Whether in a moment he passed from the activities of a strenuous life in the service of the state to a full realization of immortality, eternal life, we do not know. But we do know what it means to us, his friends, his colleagues, his associates, his collaborators. For us it means loss,—irreparable loss; for us it means bereavement and sorrow. For us it means a realization of a great place left vacant by his departure,—a place which we feel sure no one can ever fill to the full measure that he filled it.

Samuel B. Green came to us from Massachusetts in the early days of the Agricultural Department of the University, when the future of agricultural education was very uncertain. He was Professor of Horticulture. At first he had little equipment for the development of his work. But he did what was possible. As the years went on and the inner life of the College and School of Agriculture became both more peaceful and orderly, the Department of Horticulture grew in importance, buildings and equipment were provided, and Professor Green could point with pride to his department as successfully doing its work, and he might have been content with that. But he was not. He had a noble ambition to lift the College of Agriculture and make it as truly an agency for higher education as any of the other colleges of the University. He carefully planned the curriculum, and, as chairman of the Committee on the Course of Study, he secured the adoption of the present

high and excellent curriculum. So far as the College of Agriculture is concerned, Professor Green was the man who moulded it into its present shape and gave it the resulting attractiveness. But he was not content with this.

His mind was actively engaged all the time in finding ways by which the work in agriculture could be extended. He was a member and a most influential member of the Board having in charge the Farmers' Institutes, by which so much good has been done for years past. He was practically the executive in charge of all the extension work in agriculture provided for by the last session of the State Legislature.

Lieutenant Governor Rice and I were associated with him in this work, but I am sure that Mr. Rice would be quite as ready as I to bear witness that it was Professor Green who planned, and who executed the plans; and I recall with wonder his complete mastery of the details of this whole work, and his never failing attention to the work at the right moment, notwithstanding his many engagements in his own special work.

And then he was president of the State Horticultural Society. He put a new life into this organization, and the faithful old men who for years had been working together in the society must have been cheered and delighted when this young, forceful, wise scientist, with full knowledge and hearty sympathy, took hold of the work with them and gave them assurance that it would be a success.

And then he was in touch with farmers all over the state. He was interested in the establishment of schools of agriculture and helpful to those who had the duty of locating such schools. In short, he in a way pervaded the agricultural life of Minnesota and wherever men were interested in getting food from the earth, they could always find a sympathetic friend and earnest and safe counselor in Professor Green.

But even this did not fill up the measure of his activity. He became interested in Forestry, and his vision of future forestry reserves, and of the work to be done in connection therewith, the training of masters of forestry, the cultivation of trees, the enrichment and beautifying of large regions otherwise useless,—his vision of all these things was so clear that his hand was stretched out to grasp them; and had he lived to the full meas-



ure of years, he would undoubtedly have grasped all that he had seen in vision. As it was, he had already accomplished much, securing thousands of acres for his work, while he himself had become one of the leading authorities in the country on forestry. Only a few weeks ago, the Board of Regents formally organized the Department of Forestry, and elected him Dean of the Department.

But why should I enumerate his work further? A man of restless energy, never happy unless he was doing something, never so happy as when he had done something worth while, his life was literally filled full with usefulness and duty.

We honor him for the grand work he has done. We honor him for being the grand man he was. If at any time his associates did not agree with him in some respect, there never was a time when they were not ready to praise him as the man who does things. And as I recall the momentum which he always seemed to have gathered before putting propositions for new enterprises before me, there comes over me an appalling sense of irreparable loss in the death of this courageous, strong, enterprising and public spirited man of science, educator, for-ester, citizen.

And that is not all. It is a noble record of work that he has left behind him. But I like to think of him as he was. A true man, clean in his life, of heroic attitude against evil, he would have been a crusader if he had lived in the time of the crusades. As it is, he carried the same spirit into his fight against ignorance and poverty and unhappiness; and, bravely bearing his own burdens without a murmur, he did what he could to the very last to make the world better and happier. Farewell, dear friend! We shall meet beyond the river, and may our crowns be as bright as yours surely will be.

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### LUCIUS FREDERICK HUBBARD.

A MEMORIAL PRESENTED BY THE SECRETARY.

Lucius Frederick Hubbard, a life member of this Historical Society since September 11, 1899, and an elective member of its Executive Council since September 12, 1904, died at the home of his son in Minneapolis on February 5, 1913.



He was born in Troy, N. Y., January 26, 1836. His father died when the son was only three years old, and seven years later his mother died, leaving him to be cared for by an aunt in Vermont. He attended the public schools in Chester, Vt., three years, and then spent two years at an academy in Granville, N. Y. He was apprenticed to a tinsmith at the age of fifteen, and devoted the next three years to learning that trade. From 1854 to 1857 he worked as a tinsmith in Chicago.

Tempted by the opportunities offered by the West, Hubbard came to Minnesota in 1857, settling in Red Wing, and there established a newspaper, called the Red Wing Republican, which is still one of the leading journals of Goodhue county.

Upon the breaking out of the Civil War, Hubbard enlisted as a private in Company A of the Fifth Minnesota Infantry. He was made captain of his company in February, 1862; a few weeks later was promoted to lieutenant colonel; and in August of the same year became colonel of his regiment.

He served throughout the war with distinguished valor, attaining the rank of brigadier general in 1864.

At the close of the war he returned to Minnesota, and until 1901 resided in Red Wing, being engaged in grain business, milling, and railroad building. In 1872-5 he was a state senator, and in 1882 to 1887 was governor of Minnesota, his second term consisting of three years on account of the change to biennial sessions of the legislature.

He removed to St. Paul in 1901, and afterward lived there, except that his home during the last two years was with his son in Minneapolis.

Governor Hubbard was appointed by President McKinley a brigadier general at the beginning of the Spanish-American war, and he served with the Seventh Army Corps. The war ended before these troops were called into active service, yet the heroism and patriotism of the general, who thus served in two wars, were nobly attested.

He was a member of the Grand Army of the Republic, the Loyal Legion, the Society of the Army of the Tennessee, the Military Order of Foreign Wars, and other patriotic organizations. For the day of his funeral both branches of the State

Legislature adjourned. The burial was in Lakewood Cemetery, Minneapolis.

His biography by General Baker, in "Lives of the Governors of Minnesota," forms pages 251-281, with a portrait, in Volume XIII of this Society's Historical Collections.

In Volume XII of this series, Governor Hubbard contributed "Civil War Papers," pages 531-638, with a later portrait, seven maps, and other illustrations.

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### DAVID LANSING KINGSBURY.

In the meeting of the Council on March 11, 1912, the Secretary presented the following memorial:

David Lansing Kingsbury was born in Marshall, Mich., Dec. 28, 1842; and died at his home in St. Paul, January 24, 1912. His father died when he was only eight years old, and he lived afterward in the family of his aunt, his father's sister, Mrs. Henry Bunce, and came with them to Monticello, Minn., in 1856. Although only eighteen years old when the civil war began, he was very anxious to serve as a soldier, and in 1862 enlisted as a private in the Eighth Minnesota Regiment. In 1864 he was promoted to be first sergeant of his company. For two years he served on the frontier against the Indians, going with General Sully's expedition to the Yellowstone river. He participated in two pitched battles with the Sioux. In 1864 his regiment was sent to Tennessee, and later served in North Carolina. Mr. Kingsbury was in all the battles in which his regiment engaged, but received no wound during the entire war. In July, 1865, he was mustered out as second lieutenant.

He settled in St. Paul, and engaged in hardware business from 1873 to 1886. He was assistant librarian of the Minnesota Historical Society continuously since 1893, during more than eighteen years, and in this position did much for the success and upbuilding of this institution. He became a life member of the Society in 1895, and was a member of its Executive Council since 1896.

He was greatly interested in military matters, and upon the

organization of the Grand Army of the Republic was one of its early members. He was also a member of the Minnesota Commandery of the Loyal Legion of the United States, and was its Recorder since 1898.

Mr. Kingsbury was married in 1869 to Miss Anna Sawyer Braman, who died in St. Paul in March, 1908. They had no children. Their home was at Merriam Park, and there Mr. Kingsbury continued to live. He took much delight in the cultivation of his flower garden. Last summer he made a visit to his only sister, Mrs. Gen. Edwin C. Mason, in Los Angeles, Cal., and on the same trip attended meetings of the American Library Association.

Mr. Kingsbury was a man of strongly marked personal character, greatly attached to his friends, generous, sympathetic, and ardently devoted to whatever work he undertook. He had an unusually large number of warm personal friends, and had the esteem and affection of his old comrades in the army, of the workers in the Historical Society Library, and of those associated with him in every walk of life.

He contributed papers to this Society's Collections in Volume VIII, "The United States Government Publications," pages 120-128, and "Sully's Expedition against the Sioux in 1864," pages 449-462, with a map; and in Volume XII, "The Old Frigate Minnesota," pages 85-97, with his portrait.

JUSTICE LOREN W. COLLINS, presiding in this meeting, said:

Having under consideration the life and character of David L. Kingsbury, I may very properly add a few words concerning him. There are very few present who have known him as long as I, for when I went to St. Cloud to reside in 1866 I became acquainted with his brother, Charles W. Kingsbury, and very soon afterward met David, who was then a resident of St. Paul. Charles was foreman of the St. Cloud Journal, a weekly newspaper published in that city, and as we boarded at the same place, I at once became acquainted with him, and became so intimate with him that when he died some fifteen or eighteen years ago I was named as executor of his last will and testament. This intimacy with Charles led to a very close acquaintance with David and also with Mrs. Mason, their sister, who

was the wife of Captain Edwin C. Mason, then of the Tenth Infantry and stationed at Fort Ripley, some fifty miles north of St. Cloud. The captain, his wife, and David, frequently visited St. Cloud, spending usually two or three days with their brother. The resemblance between the two brothers was very noticeable, and the only real difference lay in the fact that David was two or three inches taller than his brother. Both were men of marked character and most excellent reputation.

While David was Recorder of the Loyal Legion, I met him frequently, and my admiration for the man steadily increased so long as he lived. He was exceedingly painstaking and industrious in everything that he undertook, and this was made very apparent in his strong devotion to the work as Recorder of the Legion. It is a position which requires industry and attention to the many details which are in the hands of the recorder, and it must be looked after by him with strict fidelity. I think I can safely say that no man ever rendered more faithful service to the Loyal Legion than he did, and this may be said of him in everything that he undertook. His loss to the organizations of which he was a part, and to the community in general, is exceedingly great, and we honor ourselves in honoring his memory.

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### NATHANIEL PITT LANGFORD.

MEMORIALS PRESENTED IN THE ANNUAL MEETING, JANUARY 8,  
1912.

A manuscript by REV. DR. DAVID R. BREED, formerly of St. Paul, now of Pittsburg, Pa., was read by Vice President William H. Lightner, as follows:

I made the acquaintance of Mr. Langford in the early seventies, before his permanent removal to St. Paul, and saw much of him during his visits to the place. I officiated at his marriage with Miss Emma C. Wheaton, November 1, 1876, the wedding certificate being signed by his mother and her father. He had already built a home for his bride on Exchange street, within a block of my own house, to which he brought her after the wedding trip, and where he continued to reside. We were therefore near neighbors. I saw him every day, and had abun-



dant opportunity to study his character. I was also intimately acquainted with his three sisters,—all women of like temperament to his own and reflecting the marked characteristics of the family. All this continued for about ten years, when I removed to Chicago. I speak therefore from close and familiar observation.

If I were to summarize the elements of Mr. Langford's personal character in a single sentence, I should say that it was a rare combination of tenderness and strength. In him the most profound convictions were united with the sweetest charity; heroism was tempered with mercy. He was a fine illustration of the lines of Bayard Taylor, in "The Song of the Camp,"

"The bravest are the tenderest,  
The loving are the daring."

That which impressed me most of all in those early days was his devotion to his aged mother. She was proud of him; he was most attentive to her. She was then past the line of four score, but in possession of all her faculties, interested in all that concerned others, and fully abreast of the times. In appearance she was certainly the finest old lady I have ever seen. But her sweet, strong character was reflected in her strong, sweet face. Knowing Mrs. Langford, it was apparent whence her son had derived his superior qualities of both body and mind. And Mr. Langford appreciated her. He showed her every attention, was most solicitous for her comfort, planned for her every convenience. It seemed to be his chief joy to wait upon her. I think his return from Montana to St. Paul was occasioned first of all by his anxiety in her behalf.

The next illustration of his peculiar character which occurs to me, was his loving ministry to the sick and disabled. He was a "trained nurse," but in no technical sense. If there was any accident or illness in the neighborhood, it was always expected that Mr. Langford would be on hand. When one of the boys fell over the bank near Irvine Park and broke his arm, it was Mr. Langford who frequently visited him thereafter during his confinement to his room, to cheer and divert him.

Very soon after my own severe accident he came to my house. Day after day he was with me, to smooth my pillows



and bathe my brow. And so this great, strong, fearless fellow, who had tracked the wilderness, faced the savages, and defied the highwaymen, showed the touch of a woman from the hand of a giant, the ministry of an angel in the garb of a frontiersman.

I have spoken of Mr. Langford's care of the crippled boy, and this recalls another trait of his character, his devotion to the young. He loved them and loved to be with them, and they all recognized in him a sympathizing friend.

Many incidents occur to me which are too confidential to be made public, which, should I tell them, would show how true and kind and strong he was. I have seldom known any one to be so tried by injustice and severity as was he, upon a certain occasion, and I never knew one to exercise a more forgiving and peaceful spirit under trying circumstances. He consulted me with regard to his course, and his disposition was revealed in most emphatic form.

Mr. Langford was a fine type of the conscientious business man, the honorable public servant, the congenial acquaintance, the helpful neighbor. Others will tell of his services to his city and country; but for me, I have that to say of him which a certain distinguished British statesman has declared is the very best epitaph that one man may carve upon another's tomb: *"He was my friend."*

GENERAL WILLIAM G. LE DUC, Councilor, said:

My acquaintance with Mr. Langford commenced in the 50's, when he was cashier or assistant cashier with his brother in a bank established by William R. Marshall, on the north side of Third street, St. Paul. The brothers were so much alike that I mistook one for the other, and some pleasantries occurring therefrom fixed the time of the beginning of our acquaintance in my mind; but from that time to the present I have been more or less familiar with the life of N. P. Langford while resident in Minnesota and Montana, and it may be sufficient to say, in the briefest of epitaphs, that N. P. Langford was one of those comprehended in the concrete expression of a famous English author, "An honest man's the noblest work of God."

As a banker, as an officer of the United States having charge and care of public funds, the bright gold of thousands has passed through his hands, and there is nothing to show of this glittering hoard; no palatial mansion, filled with expensive treasures of art; no palaces of business, no banks, no railroads, no mills or factories, from all the great opportunities for gains. He leaves a modest competence only, the savings of an industrious, frugal life,—and he leaves the well-earned reputation of an honest man, the noblest work of God.

What more need be said? Wife, relatives, and friends, mourn his decease; he was instinctively the lover and friend of his country, his state and city; and we, too, are entitled to express our sympathy in his departure from this earthly life to a higher, a spiritual life.

At the ceremony of laying the corner stone of the great Cathedral now building in this city, I heard the learned Archbishop Ireland say that the spirits of Bishop Cretin, Bishop Grace, and Father Ravoux, were undoubtedly present and blessing by their presence the assemblage; and, as I now believe, the spirit of N. P. Langford is now here present.

HENRY S. FAIRCHILD, Councilor, read the following tribute, "Mr. Langford, the Good Citizen:"

It is a sad and pleasant duty, and a privilege, to pay this tribute of respect, admiration, and love for one whom we knew so well, respected so highly, and admired and loved so much. I have known Mr. Langford for more than fifty years, and my regard for him has increased with the years. In all these years I have never heard or known of his saying or doing anything inconsistent with the life of a true, high-minded gentleman. As a husband, as a citizen, as a business man, as a public officer, as a friend, he was all our hearts could ask.

As president of this Historical Society, Mr. Langford was always alert, watchful of its interests; and he guided its course with peculiar tact and ability. He seldom failed in his attendance, and he presided with easy dignity, ability, and fairness.

As president of the County Board of Control, he gave to the discharge of its arduous duties an amount of time, thought, and care, that only those closely associated with him knew. It was

here we learned what thoughtful care he gave to the county's interests, how correct were his judgments, and how unimpeachable his integrity. For party purposes, he was bitterly assailed, but the public's confidence was never in the least shaken. Mr. Langford listened respectfully, then calmly read the law on which his action was based, and stated the facts in the case calmly, clearly, and forcibly, showing that his course had been legal, wise, and beneficial. He had the satisfaction of reading in the faces of his auditors their approval of his course.

Of late I became conscious of the fact that I had never heard Mr. Langford speak in disparagement of any one; and on my expressing this to several of my friends, each said, "I never thought of it before, but now I recollect that such was the case." Though a man of great courage and fearless in the expression of his opinions, yet he never engaged in denunciation or innuendo. He was above it, and it had no place in his nature. Mr. Langford was a brilliant writer, a good talker; had a fine vein of wit and humor; was a good raconteur, and had a large repertoire of good stories; in fine, was a most companionable man, so that his friends' faces always brightened as they saw him approaching.

That he was a man of the highest moral and physical courage, was demonstrated in Montana, when he boldly and fearlessly led the forces of good order and good government and after a fair but not legal trial brought to punishment the most of the gang of desperate, lawless characters, who for years had terrorized all the Montana mining region, and made it an unfit and unsafe place to live, for any one who had any regard for decency, morality, or civil order.

Again he showed his courage and self-reliance when as a bank examiner, at times carrying considerable money, he rode on horseback over the wild, thinly populated western territories, knowing he was likely to be waylaid and shot.

What a national blessing it would be if we could have a Congress filled with men of his candor, courage, ability, and fine moral sense!

Did any of you ever submit to him a mathematical problem which he failed to solve almost instantly?

Did he ever, in hours of leisure, pour forth on you the treasures of his memory? I have often listened with wonder as he recited poem after poem, and I envied him. Once he recited to me a long poem without any pretence to merit, and I said, "Mr. Langford, why do you store your memory with such trash?" He replied: "I read it when a boy, and did not care to remember it; but occasionally it will pop up, and I get it off just to show what a foolish thing the memory can be." Then he added, "Mr. Fairchild, you once said to me that you thought it probable that no emotion of the human heart, nor any thought of the human brain, is ever irrecoverably lost,—and this is in support of your theory."

Those who served with Mr. Langford on the Board of Control, and the members of the Board of County Commissioners, acting so often with the Board of Control, will always remember what careful consideration he gave to all that came before us, how sound his judgment, how strong his sense of duty, and how unquestionable was his integrity. Perhaps the most marked characteristic of Mr. Langford, after his integrity, was his kindness of heart and his freedom from the use of language that would offend.

A generation ago, Clotho smiled benignantly and sent forth a galaxy of great men who were to grow up and build this great State; and to preserve the records of their works, this Historical Society was formed in the very infancy of the State. From this group of great men was selected, as the first president of this Society, Alexander Ramsey, who was the Governor of the Territory and State, a member of Congress, United States senator, a member of the President's cabinet, the negotiator of valuable treaties, the great War Governor, and the author of our magnificent State School Fund.

We next selected as our president, Hon. Henry M. Rice, an early settler, a man of ability, a United States senator; and after him General Henry Hastings Sibley, one of the first white settlers in the State, who rose to be Congressman and the first Governor of the State, and who rendered signal services as General of our forces defeating the Sioux, who were massacring our frontier settlers. In that campaign Sibley released from a captivity, worse than death, more than a hundred women, and drove the savages beyond our borders.



From then on, in a long list of presidents, we find the names of Governor William R. Marshall, Captain Russell Blakeley, Elias F. Drake, Archbishop John Ireland, and others, all so worthy that any one may feel proud to be chosen as the successor of Mr. Langford.

We can pay no tribute to the memory of our departed friend more fitting than to keep the Historical Society on the high plane on which he left it.

To the wife he loved so well, to secure whose happiness he gave his constant and last thoughts, we tender our sincere sympathy.

To our departed friend, we pay the sincere homage of our affections.

WARREN UPHAM, Secretary, presented the following memorial, "Nathaniel P. Langford, the Councilor and President of this Society."

In this tribute to do honor to our revered and beloved former president, let us look through a brief and very concise chronicle of his life. It was prolonged to almost fourscore years, and it was actively spent in service to the nation, to this state, and to this city.

Nathaniel Pitt Langford was born in Westmoreland, N. Y., August 9, 1832; and died at his home in St. Paul, Minn., October 18, 1911. He came to St. Paul in 1854, became cashier the next year in the banking house of Marshall and Co., and in 1858 cashier of the Bank of the State of Minnesota. He removed to Montana in 1862; was collector of internal revenue in Montana, 1864-68; was one of the organizers of the expedition that in 1870 discovered the Yellowstone geysers, and in a series of magazine articles he made them known to the world; he was the first superintendent of the Yellowstone National Park, 1872-77; and was national bank examiner for the Pacific states and the territories, 1872-84.

He afterward resided in St. Paul, and was author of "Vigilante Days and Ways, the Pioneers of the Rockies, the Makers and Making of Montana, Idaho, Oregon, Washington, and Wyoming," two volumes, 1890, and "Diary of the Washburn Expedition to the Yellowstone and Firehole Rivers in the Year 1870," xxxi and 122 pages, published in 1905.



His life and public service in Montana, and especially his part in exploration of the Upper Yellowstone region and the establishment of its National Park, have been related in a preceding paper of this Volume (pages 631-668).

He contributed two papers in this Society's Historical Collections, Volume IX: "The Louisiana Purchase and preceding Spanish Intrigues for Dismemberment of the Union," pages 453-508, with a portrait and a map; and "The Library, Museum, and Portrait Collection of the Minnesota Historical Society," pages 569-575.

Mr. Langford was elected a life member of this Historical Society on March 9, 1885. He was a member of its Executive Council twenty-two years, from November 11, 1889, until his death. Since 1891, during twenty years, he was chairman of its Committee on Publications; and since 1894 he was a member of the Library Committee. In the work of both these committees he took an active part until two months before he died. He was elected second vice president, February 9, 1903; first vice president September 14 of the same year; and president January 9, 1905, which office he held nearly seven years.

Within the period of my service as secretary of this Society, since 1895, I have known four presidents: Governor Ramsey, who continued in the presidency until his death in 1903; General John B. Sanborn, who lived only about one year after his election to this office; Judge Greenleaf Clark, so elected in September, 1904, who died in December of the same year; and President Langford, whom we commemorate in this meeting.

During the terms of each who preceded Mr. Langford, the greatest need of the Society was to secure a fireproof building, or rooms in such a building, for safe preservation of its exceedingly valuable Library, Museum, and Collection of Portraits. Often Governor Ramsey expressed his profound solicitude for the completion of the New Capitol, and his hope to see these priceless possessions of the Historical Society removed to its shelter and safeguard from fire; but two years before the removal he was called by death. In the spring and summer next following Mr. Langford's election as president, the great collections of our Society's Library and Museum, and some of its portraits, were removed into the fine commodious rooms which they now occupy in the New Capitol. Anxiety of the friends

of the Library against its loss by fire ceased; and the Museum was increased by very extensive archaeological donations of the late Rev. Edward C. Mitchell, counselor and chairman of the Museum Committee.

But the greater part of the Portrait Collection, to the number of five hundred or more of portraits, other pictures, and framed documents, yet remained in the Old Capitol, occupying the former governor's rooms, which were assigned to this Society as its State Portrait Gallery, because our rooms in the New Capitol could display only about a fourth part of this collection. Through more than five years the most of the portraits owned by the Society were thus on exhibition, being a very interesting part of its possessions for visitors having only a short time to spend in its rooms. In the late winter and spring of the past year 1911, through advice of President Langford, these portraits were removed from the Old Capitol, because of their liability to be destroyed there by fire, and they were carefully boxed and stored in the basement of the New Capitol. They will probably in the near future be placed again on exhibition in a fireproof Library Building, which we hope and expect to be provided by the next Legislature. The wisdom of President Langford and the Executive Council in withdrawing this important part of the Society's collections from present use was fully justified while yet the removal was in progress, by the burning of the state capitol of Missouri, with the loss of nearly all its contents.

When our Library was removed into the New Capitol, the space there allotted for it was ample, but was even then almost filled. After three or four years the main book-stack rooms were inconveniently crowded, and additional space was obtained by filling the wide adjoining corridor with bookcases. The Library now numbers 105,000 volumes, including more than 9,000 bound volumes of our Minnesota newspapers. Its average yearly increase of about 4,000 volumes makes it very difficult to place the new books on the shelves for the use of readers. Therefore the great burdening problem of the later part of Mr. Langford's seven years as president has been the need, or we may better say the necessity, to provide a suitable Library Building, preferably on some site adjoining the grounds of the New Capitol.

Faithfully, ardently, wisely, with zeal and perseverance that would do credit to any younger man, President Langford worked early and late during three biennial sessions of the Legislature, advocating, with other members of special committees of the Society's council, that this Historical Library of our state be granted an adequate and fireproof building, large enough for the expected growth of many years to come. Wisconsin and Iowa, our next neighbors on the east and south, have erected such historical library buildings. We cannot doubt that soon, within a very few years, this earnest hope of President Langford will be fulfilled, for which he gave heroic efforts, while suffering severe bodily pain, in the last legislative session, less than a year before he died. Let us believe that in the spirit he will behold the new Library Building when its corner stone shall be laid, and when it shall be completed and dedicated to its noble purpose for preservation of the history of Minnesota and for education and enlightenment of her people.

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#### AMBROSE McNULTY.

MEMORIALS PRESENTED IN THE COUNCIL MEETING,  
MARCH 13, 1911.

FATHER FRANCIS J. SCHAEFER, Councilor, Rector of the St. Paul Seminary, read the following tribute:

Ambrose McNulty was born May 18, 1868, at Darwin, Minn. After having completed his early training in the schools of his native district, he pursued the higher studies in classics, philosophy, and theology, at the Sacred Heart College, Watertown, Wis., the St. Thomas College, St. Paul, the St. John's University, Collegeville, Minn., and the Catholic University, Washington, D. C. On March 28, 1891, he was ordained to the priesthood; and later he became successively assistant pastor at St. Joseph's Church, St. Paul, Minn., and Secretary to His Grace, Archbishop Ireland of St. Paul. While in the Secretary's office he was also in charge of the diocesan journal, the North-western Chronicle. At the vacancy of the pastorate of St. Luke's in 1896, he was appointed to this important parish in the city of St. Paul, and remained there until his death, which occurred on Monday, November 28, 1910.

Father McNulty was esteemed and loved by all who came in contact with him. His native kindliness, his winning sympathy, his keen sense of humor, his broad charity, made hosts of friends to him. Wherever he went, whenever he spoke, he spread sunshine, and something of the healthy joy of living, of which his own soul was superabundantly filled. He was the special friend of the little children, who used to run up to him, greet him, and make him the depository of their confidences and the helpful companion of their innocent pastimes. And all this he did, although battling against great odds. For years the germs of a dread disease, to which he finally succumbed, were undermining his health and strength; and all the while he knew that he was doomed to an early end. Still he never uttered a sound of complaint, never did he mention a word of his sickness to others; on the contrary, he was always cheerful, he had always the same winning smile, he was always ready to help others over the troublesome paths of life.

Father McNulty loved this life, and took a keen enjoyment out of the clean and healthful pleasures which it offers. For years he was a member of the St. Paul Rod and Gun Club, and took an active part in its healthy sports; whenever he was amongst its members, either at the tournaments or at the meetings, or at the annual dinners, his influence was always for the best, and never did an untoward incident mar the joys of these friendly gatherings.

He was an accomplished scholar. His great natural gifts of intellect were carefully developed during a thorough course of studies, and by a large amount of reading on a wide range of subjects. His accomplishments found a fruitful field of employment when he was appointed editor of the *Northwestern Chronicle*, in the columns of which he gave evidence of unusual ability as a writer and a thinker.

The study of history, local history in particular, was an attractive subject for him; in accordance with this taste he sought out the rooms and the library of the Minnesota Historical Society, of which he was elected a life member December 8, 1902. An elaborate and scholarly essay by him on the history of the first chapel in St. Paul, built by Father Galtier, was read before this Society and found a place in its publications (M. H.



S. Collections, vol. X, pp. 233-45); it was reprinted, with a few modifications and corrections, in the *Acta et Dicta* (vol. I, No. 1, July, 1907), the organ of the St. Paul Catholic Historical Society.

When in 1901 the Diocese of St. Paul celebrated the fiftieth anniversary of the advent of its first Bishop, Rt. Rev. Joseph Cretin, to his episcopal city, a memorial volume was published, "The Diocese of St. Paul, the Golden Jubilee," which was compiled by Father McNulty. In his conversations with friends, his broad scholarship became very apparent; he displayed, without ostentation, a great familiarity with many and varied subjects of erudition.

Father McNulty was a faithful and loyal priest, a true minister of God. His life was without blemish, possessed of all the sweet virtues which constitute a Christian and a priestly soul; his faith was reverential, and one born of conviction. He was ever ready, at the altar, in the confessional, in the pulpit, at the sick-bed, to bring spiritual help and consolation to all those that needed it. And there was no distinction of rank or class; high and low had equally access to him for the dispensations of his ecclesiastical ministry. He was faithful to the last in the fulfillment of his duty. Although for years his physical frame was weakened from sickness and pain, he was always at his post; the very day before his death he dragged himself to the altar, and spoke words of wisdom to his parishioners.

It is almost a pity that such men cannot be with us forever. But there is comfort in the thought that their spirit lives. Justice O'Brien has well said: "To know Father McNulty well was to be convinced of immortality; for a spirit such as his cannot die."

RT. REV. JOHN J. LAWLER, Auxiliary Bishop of St. Paul, said:

It is proper that this Society should pause for a few moments to recall the estimable traits in the lives of its deceased members. I deem it a privilege to be permitted to offer my brief tribute of respect to the memory of Rev. Ambrose McNulty, a fellow clergyman whom I knew well, whose sterling worth I prized highly, and whose career I greatly admired. I



realize that truly Christian lives need no eulogies. Words of mine are not required to extol his nobility of character. Encomium of mine, however able, would sound but feeble to all who knew his beautiful characteristics thoroughly. If I now direct attention to his distinguishing qualities, it is for the purpose of drawing from them a lesson for our own benefit and edification.

Prominent among the traits of our departed friend was his amiable disposition. His was a remarkable ability to make friends and to hold them. Of a kind nature, his heart went out to others. His charming personality drew people to him and won their hearts. He had a cordial greeting, a pleasant smile, and a warm hand shake, for those who came in contact with him for consultation or advice. He seemed to feel, with the poet, "What thou wilt thou shalt rather enforce with thy smile than hew to it with thy sword."

He looked on the bright side of things. Though a sufferer for years with a severe malady to which he finally succumbed, he bore his illness with patience and resignation. He was always cheerful and light-hearted, encouraging others by the sunshine of his view of life. There was a vein of humor in him that made him a pleasant companion and an entertaining conversationalist. Having a mind stored with wide information, he was able, when occasion demanded it, to wield a facile and vigorous pen.

But, admirable as were his natural gifts of head and heart, it is chiefly to his priestly life that I wish to draw your attention. There is a dash of heroism in the sacrifice of the priest. In the bright morning of life, when the world stood before him in all its attractiveness, he heard the voice of Jesus say to him, "Son, give me thy heart." That was the Master's great demand, and magnanimously did our departed friend give the answer: "Thou art the God of my heart, and my portion forever." All at once the die was cast, and all the joys and endearments and ambitions and trappings of earth were set aside forever.

Laboring side by side with him for years, I observed his unselfish devotedness to the duties of a zealous pastor of souls. He was a true Man of God, exhibiting in his conduct something

of the gentleness and compassion and charity and purity and self sacrifice of his Saviour, the Divine original of all goodness. His energies were consecrated unreservedly to the service of the Church, and the gift of self is the greatest gift of all. His life was one of truest altruism, of noblest heroism, as is the life of every faithful Man of God. There are few who fully appreciate the heroism of those who live such lives. Few realize that their self-denial, their gift of self on the altar of Christian charity, stands for manly courage greater and grander than the valor in memory of which nations erect their imperishable monuments. Truly has it been said that "real glory springs from the silent conquest of ourselves, and without that the conqueror is naught but the first slave." There are illustrious characters on history's page, who were masters in the various departments of human energy, but slaves to their own evil propensities. There are heroes and heroines who were paragons of courage against the enemies of their country, but the veriest poltroons on the silent battlefields of their own hearts. To conquer others is much, but to subdue one's self is the victory of victories. "Man who man would be must rule the empire of himself."

Nobly did Father McNulty act out this sublime truth in all the years of his ministry. His beautiful life stands as the best monument to his memory. "There is one great society alone on earth: the noble living and the noble dead." Father McNulty belonged to it.

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#### EDWARD CRAIG MITCHELL.

BORN JULY 21, 1836; DIED DECEMBER 8, 1911.

MEMORIALS PRESENTED IN THE COUNCIL MEETING, DECEMBER 11, 1911.

REV. FRANCIS J. SCHAEFER, Councilor, Rector of St. Paul Seminary, said:

I feel almost that I ought to apologize for speaking this evening of the merits of a distinguished member of our Council, who has departed this life; I have not known the Rev. Edward C. Mitchell for many years, nor did I have the privilege

of knowing him intimately; my acquaintance with him was restricted to the meetings of this Council, or of the Museum Committee. And still during these intermittent meetings I learned to appreciate the high character and the good qualities of the man we mourn; and I gladly avail myself of this opportunity to pay a tribute to his memory.

There were two things chiefly that struck me as being part and parcel of his character: a high Christian nobility of soul, and an unflinching optimism and cheerfulness. By gathering the scattered threads of his casual remarks, I have come to the conclusion that there was firmly rooted in his mind the conviction that man, as an ethical being, was destined by Almighty God to accomplish the best, the noblest, and purest he is capable of performing during the brief span of life allotted to him. Man must do good and avoid evil; that was the command of God and of Christ; such was the understanding of Mr. Mitchell as to man's duty. Mr. Mitchell, as you all know, was a Christian minister; and although I learned little or nothing of his ministerial work, I feel quite certain that many a time and on many occasions he spoke to his people in that strain, explaining to them what their various duties were, and to what high purposes a Christian soul must aspire, in order to reach the goal set to it by the Almighty. What he recommended to others, that he did himself; his entire life, his whole career, known to a large public, testify to the many good deeds accomplished by him.

Man is destined for high things in this life; but, alas! at times he falls short of his noble mission. There are many small and great weaknesses in this frail human nature of ours, which often make man deviate from the straight path. And when seeing certain men wander about aimlessly, listlessly, sometimes with wicked intent before them, one might be tempted to think that there is no righteousness among men. Such were not the thoughts of Mr. Mitchell; he was too optimistic to despair of the ultimate triumph of righteousness in man. He knew, of course, human weakness; but he knew also that for one wicked man there are hundreds that are good; and even of the wicked he hoped that some day he might return to the right path. This optimistic confidence gave rise to that cheer-

fulness of manner and countenance, which impressed itself so much on all those that came in contact with him. There was ever ready a cheerful word on his tongue, and a pleasant radiant smile on his face.

As to what Mr. Mitchell was to this Historical Society I need hardly tell; it is known to all the members, and to many outside of it. He took a very active interest in the work of the Society, was present at all its meetings, unless otherwise engaged; and, as chairman of the Museum Committee, he presided over the deliberations of that body. His extensive knowledge in many fields of human learning, his great store of information on present and past history, enabled him to be of useful service to a body like this, commissioned to perpetuate the records of the past.

Throughout his long life he gathered up many objects of historical and archaeological value, which covered not only our fair State of Minnesota, but other states of the Union as well, and even foreign lands; and most of these he donated to the Historical Society, to be kept in its Museum, to be classified and studied in due time. We owe to Mr. Mitchell a great debt of gratitude for this rich and valuable collection.

With his departure is ended a long, useful, and studious life; a noble character has gone from amongst us, but his deeds remain; and we may well wish to imitate and follow the good things for which he was known.

PROFESSOR N. H. WINCHELL, Councilor, said:

My first acquaintance with Mr. Mitchell was in 1874 or 1875 at Minneapolis, where he was one of the early members of the Minnesota Academy of Science, of which he was elected Secretary for 1876. He worked in the Academy with the Committee on Archaeology, a field in which he was destined later to become celebrated as a collector and patron. But he did not stay long in Minneapolis; he yielded the chairmanship of his committee to Mr. Nathan Butler, and removed to St. Paul. However, before he left Minneapolis he presented to the Museum of the Academy a collection of "Japanese coins and curiosities," manifesting thus his characteristic generosity, which later blossomed out fully in St. Paul.



After he left Minneapolis I met him rarely, otherwise than at the meetings of the Council of the Historical Society, where he was regular in attendance and frequently offered something of interest in the course of the meetings. He was connected with the old St. Paul Academy of Science, having been president in 1895, when he presided, March 6, at a joint meeting of that Academy with the Minnesota Academy of Science, held at the rooms of the Commercial Club, St. Paul.

Mr. Mitchell will be long remembered for his donation of a large collection of archaeological specimens to the Minnesota Historical Society, and for another collection, of shells, given to the St. Paul Institute. To the former donation is due the erection of the museum of the Historical Society into the form and character of a real museum. The Society immediately procured suitable glass cases, twenty-one in number, and with great pains and patience Mr. Mitchell himself distributed the specimens, with suitable labels, so as to make a beautiful educational display, an exhibition which is constantly visited by people from all parts of the state and is studied by archaeologists from other states. The aggregate number of specimens donated, with later additions by Mr. Mitchell, is about 23,000 pieces. They were collected from all parts of the world, mainly by purchase, during a long period of years, and had been kept by Mr. Mitchell at his home in St. Paul, where on many occasions he took delight in showing them to his friends.

An article, contributed by him, describing this archaeological collection, was published in this Society's Volume XII, pages 305-318, with his portrait.

This generosity of Mr. Mitchell was but one of the manifestations of a beautiful and lovable spirit, which characterized all his intercourse with his fellows, and which knit him by thousands of invisible threads into the regard and affection of the people of St. Paul. To the Historical Society he has bound himself not alone by his munificent gift, which in dollars and cents far exceeds any gift it has ever received, but by the many gentle and courteous words and acts which marked his everyday demeanor.

Personally, after a lapse of several years, I came to know him more intimately again, as a co-member of the Museum



Committee of this Society, at the meetings of which there were serious and important discussions, interspersed with pleasant-ries, for which latter Mr. Mitchell was usually responsible.

The last time I heard his voice was by a telephone conference. The Historical Museum cases had to be supplied with locks that were more secure. As chairman of the Museum Committee and as donor of the large collection, he was most concerned in the proper keeping of the Museum. I described to him the style of lock that was contemplated for the cases. He seemed not to fully understand its plans and mechanism, but said, "*Go ahead, I think it will be all right.*" He was already then evidently too weakened to enter into the details of the subject, but, in his usual confiding and optimistic manner, acquiesced in the plan proposed.

Since his death that expression has been ringing in my ears. It was characteristic of his life and his spirit. That cheerful confidence carried him through trials and triumphs, through difficulties and successes. So far as I have learned of his career, whether as a moral teacher or as a citizen, that which characterized him above all other traits was an optimistic and cheerful hopefulness, such as that embodied in his last words to me, *Go ahead, I think it will be all right.*

REV. MAURICE D. EDWARDS, D. D., Pastor of the Dayton Avenue Presbyterian Church, spoke at the funeral services of Rev. Edward Craig Mitchell, Pastor of the New Jerusalem Church, St. Paul, December 11, 1911, as follows:

What Mr. Mitchell was to this church, which for so many years enjoyed his faithful ministry, is best known to them who have here received the divine message from his lips, and who have grown intimate with him by the family fireside.

As, in a sense, representing a large circle of friends outside his parish, I have been asked to say a few words of appreciation of our brother. This I gladly do. My long acquaintance with Mr. Mitchell gives me at least some qualification for this service. During nearly forty years I have known him. We met soon after I came to the city, which was in 1874. Ever since we have had most pleasant personal relations. Many have been the delightful conversations and interchanges of

views that we have held together. We have frequently been associated on committees in our work for the general welfare of the community.

While we differed somewhat in our theological views, there was so much that we held in common, and we were so agreed on the great fundamentals of faith and right living, that we were always sympathetic. Never during all these years was there a ripple of discord to disturb the harmony of our relations.

From the beginning I learned to have a high respect for Mr. Mitchell, both as a man and as a Christian minister. In every way he was a strong character. In these days of theological unrest and uncertainty, it is refreshing and reassuring to meet one possessing such firm and positive convictions as Mr. Mitchell held. He knew what he believed, and why he believed it. There was nothing hazy or uncertain about his views anywhere. He possessed also the courage of his convictions, and on all proper occasions was ready to confess the faith that was in him.

Yet with this positiveness of personal convictions, our brother had a broad and generous spirit toward those who differed from him, if only they were manifestly sincere and true. Honesty of opinion, coupled with uprightness of life, always commanded his respect. No one was quicker than he to recognize and honor high character wherever found.

A thoroughly genuine man himself, he loved truth and justice everywhere, and nothing so stirred his spirit as wrong or cruelty of any kind. He was always ready therefore to champion the cause of the oppressed, whether man or beast.

Mr. Mitchell, like his Master, "went about doing good." His constant ministry of helpfulness; his unselfish devotion to those in trouble; his many and generous gifts; his high ideals of business honor, which sometimes led him to assume obligations that neither the law nor custom required; and his sympathy for the poor;—all these were marked characteristics of the man, which every one recognized who had any close relations with him. It was such traits and deeds as these that endeared him to a large circle of friends outside his parish and made him a benefactor in the community.

Any estimate of Mr. Mitchell's character would be lacking that did not make mention of his profound reverence for sacred things. He had such respect for Holy Scripture, and for every thing connected with the worship and being of God, that nothing was more offensive to him than any levity or disrespect shown these religious themes and objects.

In his social relations our friend was always genial and companionable. He loved to meet people in a friendly way, and to interchange views with them. Thus it was always a pleasure to meet him in society. His presence there was often sought and always welcome.

Mr. Mitchell was too large a man to confine his work and sympathy to his own church. He belonged to the community. In every respect he was a good citizen. Nothing that affected the general welfare was a matter of indifference to him. A large part of his time and energy was devoted to public affairs; and no one in the city was quicker to respond to a public call for service than himself. Every local philanthropic and patriotic enterprise found in him a friend and helper.

He was a charter member of the Sons of the American Revolution; and, until advancing years prevented, he was active in its work as a member of its governing board. His name is found also on the membership roll of the Sons of the Colonial Wars.

He was for many years closely identified with the Minnesota Historical Society; and was a contributor to its valuable publications.

The work of the Society for the Relief of the Poor also commanded his interest, and was aided both by his generous gifts and by his personal service.

Such objects as the Free Kindergarten and the St. Paul Academy of Science, indeed every agency that sought the enlightenment of men or the betterment of their condition, found in him a friend and supporter.

And Mr. Mitchell's connection with any organization was never merely nominal, but he always felt a personal responsibility in its conduct and took an active part in its work.

Such men are invaluable in any community. When they are taken away, every public interest feels their loss. Yet their

work and influence abide. Being dead they yet speak. They have an earthly as well as a heavenly immortality. This was eminently true of our brother. He will not be forgotten. The good he has done in a hundred ways is seed that will perpetuate itself in the years to come.

Some lives, as they pass from us, are like the setting of the sun in southern climes, where the light soon fades away after the sun has disappeared. Other lives are like the sunset in the far north, where the twilight long lingers and sometimes tarries even until the morning. Mr. Mitchell has left us, the place that knew him shall know him no more; but there is an afterglow in the sky that will long linger. It may be that it will abide until the morning.

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### WILLIAM PITT MURRAY.

BORN JUNE 21, 1825; DIED JUNE 20, 1910.

In the Council Meeting, September 12, 1910, the following memorial was presented by HENRY S. FAIRCHILD, Councilor.

On June 1, 1849, sixty-one years ago, the Territory of Minnesota was organized, containing then a population of about 1,000; and its capital, St. Paul, had about 150 inhabitants. It had been partially explored and was known to be begemmed by nearly ten thousand lakes; its scenery was described as beautiful, its climate as healthful, and its soil as exceedingly fertile. Game and fish abounded, making it the paradise of sportsmen. Its fine commercial position at the headwaters of the kingliest river of the continent added to its attractions.

Into this new territory flocked from the East great numbers of lumbermen, farmers, and mechanics, and a host of ambitious young men with aspirations for political honors, and many older ones who had occupied high positions in the East but had been crowded aside by younger or abler men, and who hoped here to regain their lost honors.

Among the immigrants into this land of promise in 1849 was an earnest, able, ambitious young man from Indiana (born in Ohio) by the name of William Pitt Murray, in respect to whose memory we are gathered here tonight. Mr. Murray was



an active and valuable member of the Executive Council of this Historical Society, and contributed a valuable paper of reminiscences of early historical events (M. H. S. Volume XII, pages 103-130, with his portrait). Perhaps no man in the state knew so much of our early history, of the origin of the names of our lakes and rivers, towns and counties, as Mr. Murray. We shall always greatly miss his cheerful presence and his valuable services.

Within two years after Mr. Murray's advent here, he let the pioneers know that he would like to have a hand in shaping the legislation for the young state, and before their surprise was over he became one of the leading and most active and useful members of the legislature. The Territory soon sought statehood, and Mr. Murray signified his willingness to assist in forming a constitution. He was elected to the Constitutional Convention, which, appreciating his ability and fitness, made him its president.

He served several terms in the House, also several terms in the Council (now called the Senate), at times as presiding officer, at other times actively on the floor, teaching his fellow members from outside in the state that if they wanted their local bills to go through, they must not attempt to block the passage of his local bills. In addition to the offices hereabove named, Mr. Murray was during many years a member of the St. Paul city council, for a time on the Board of County Commissioners, and for thirteen years was the City Attorney.

Perhaps the greatest service he ever rendered to the city and state was the defeat (aided by Joe Rolette) of the infamous bill to remove the state capital to St. Peter.

Mr. Murray secured an endowment of \$25,000 from Bishop Hamline of the M. E. Church for Hamline University, and drew the charter for it. This university from its beginning provided for co-education of the sexes, as was also provided by the State University and Carleton College, which began their work of instruction several years later.

Mr. Murray had a kind and generous nature and quick sympathies, which caused him to give very freely of his time and means. He was a tender and loving husband and father; to his wife in her age and feebleness he was devotion itself,



constantly watchful to do some little service. He was a true, loyal friend, and a loyal citizen, always faithful to St. Paul's interests. He was the last one of the long list of lawyers of 1857. Murray county, established in that year, was named in his honor.

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### CHANNING SEABURY.

In the Council Meeting on December 12, 1910, the following memorial biographic sketch was presented by EVERETT H. BAILEY, Councilor.

Deeply feeling the loss of a warm personal friend,—a genial companion during long years of close acquaintance, in which were recognized and valued the sterling qualities of mind and heart he possessed,—I present to the Council and friends here gathered these words of tribute to the memory of Channing Seabury, an honored member of this Council since 1893.

Channing Seabury was born in Southbridge, Mass., January 5, 1842; and died in St. Paul October 28, 1910. At an early age he was left an orphan, and was cared for by an uncle, Mr. Plimpton, his guardian. He was fitted for college in an academy at South Bridgewater, Mass., but at fifteen years of age went to the city of New York, where he became an errand boy for the firm of which his uncle was a member, Hastings and Plimpton, importers and jobbers in carpets.

Three years later, in November, 1860, young Seabury came to St. Paul, and here was his home for fifty years. He was at first a clerk for J. C. Burbank and Co., engaged in an extensive warehouse business, steamboat agency, and overland transportation to the Red river. In 1865 this firm was dissolved, and Mr. Seabury became a partner of Amherst H. Wilder.

In 1867 he again made a change in business, and for the next five years was assistant secretary and treasurer of the Northwestern Union Packet Company, of which William F. Davidson was president. This company owned and operated twenty-eight steamboats on the Mississippi river.

In 1872 Mr. Seabury was offered and accepted an interest in the large wholesale boot and shoe house of C. Gotzian and Co., and was a member of that firm until 1882, when he retired

and engaged in the wholesale grocery business, in which he continued for the remainder of his life. The firm was at first Maxfield & Seabury, until in 1891, the Maxfields having withdrawn, the firm was styled Seabury and Company.

Mr. Seabury was always a public-spirited man, generous and ready to give practical help in every emergency. He served as president of the Jobbers Union and of the Wholesale Grocers Association of the Northwest, and in both positions was active and influential.

His ability and devotion to public interests was recognized by Governor Hubbard, who appointed him a member of a committee of five to disburse relief for the sufferers after the tornado at St. Cloud and Sauk Rapids, in April, 1886. This committee built and furnished 134 houses for the destitute survivors of the disaster, and conducted the whole distribution of relief in such an economical and efficient manner that they were able to return a part of the funds entrusted to them.

In September, 1891, he served as one of a committee of three, instrumental in furnishing threshing machines and laborers to grain growers in northern Minnesota and North Dakota, enabling them to secure an unusually large wheat crop, which had been in danger of loss through lack of implements and field hands.

The chief public work of Channing Seabury was as a member of the State Capitol Commission. Early in 1893 he was one of the citizens of St. Paul who were most active in securing the passage of the bill in the legislature providing for the new state house. The care of this great enterprise was entrusted to seven commissioners, appointed by the governor, one from each congressional district; and Mr. Seabury was appointed by Governor Nelson as the commissioner for his district, without solicitation on his part. From that time, in 1893, until its great undertaking was completed, in 1907, he was Vice President and acting chairman of this board, and was constantly and faithfully devoted to its labors. The magnificent marble building is a worthy monument to his patriotic devotion.

The citizens of St. Paul and the State of Minnesota have come to realize and gratefully appreciate the unselfish and laborious services rendered by Channing Seabury, at great per-

sonal sacrifice, during the long period of construction of the Capitol, now the pride of our Commonwealth, and a permanent monument to the ability and unswerving fidelity of Mr. Seabury and his associate members of the Board of Capitol Commissioners. Mr. Seabury's aptitude and readiness for public service, his keen perception of the requisites for prompt, effective methods in business administration, and the intelligent and conscientious discharge of duties assumed by him, placed him in the first rank of citizens to be depended upon in emergency needs. He enjoyed the full confidence and esteem of his associates, who relied upon his sound judgment and who admired his genial kindly nature.

For the past three years Mr. Seabury was in failing health, and spent a portion of the winter months in the South. He died of heart failure at his home on Ashland avenue. A widow, three sons, and a daughter survive him.

In the death of Channing Seabury his home city, the State at large, a host of admiring friends, have lost a citizen broad of mind, large of heart, of rare ability, of reputation untarnished, whose memory is a rich heritage to be treasured.

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### SAMUEL RICHARD THAYER.

The following memorial, written by WILLIAM H. HINKLE, formerly of Minneapolis, was read by Councilor Noyes in the Council Meeting, September 13, 1909.

Samuel Richard Thayer died January 7, 1909, at the home of his brother, George W. Thayer, in Rochester, N. Y. He had been ill several weeks, but the fatal termination of his illness was not expected.

Mr. Thayer was born in Richmond, N. Y., December 12, 1837. He was prepared for college at Alfred Academy and was graduated with honors from Union College in the class of 1860. In this class were many men who became prominent, among them being Warner Miller, Douglass Campbell, Charles Sprague, William H. McElroy, and the late Charles Emory Smith, who was one of Mr. Thayer's closest friends. After his graduation Mr. Thayer moved to Minneapolis, where he studied

law and practiced his profession. At this time began the lifelong friendship with Governor Cushman K. Davis, who later became United States Senator from Minnesota, and it was chiefly through his influence that Mr. Thayer was appointed Envoy Extraordinary and Minister Plenipotentiary to the Netherlands by President Benjamin Harrison. Mr. Thayer was at this post from 1889 to 1893, during Harrison's term and for about a year of the Cleveland administration. His discharge of the duties of that office was conspicuously approved by the State Department on several occasions.

His courtesy to fellow countrymen who visited the Netherlands earned for him a wide popularity. It was through his initiative that the Memorials for the Pilgrims were set up at Delfthaven and Plymouth.

After his return to the United States he lived most of the time in New York City, interesting himself in public affairs. He was a delegate to the International Peace Conference at Luzerne, where he delivered an address, and was a welcome speaker on many public occasions. A few days before his death, Mr. Thayer was appointed by Mayor George B. McClellan a member of the Hudson-Fulton Celebration Commission.

He received the degree of LL.D. from Alfred University and from Union College. He was a member of the Cosmos Club of Washington, the Minnesota Historical Society, the Huguenot Society of America, the Society of Mayflower Descendants, and the Union League Club of New York. Mr. Thayer was a member of the Congregational Church. He was unmarried. His brother and one sister, Mrs. Elizabeth T. Beadle, survive him.

Few persons have possessed a more engaging personality. Endowed with a fine and highly cultivated intellect, and having a wide knowledge of men and affairs, he made the acquaintance of most of the prominent men of Europe and America during the past thirty-five years. Possessed of a large fund of information gathered in this and other countries, thoroughly versed in the political history of this country and Europe, with a ready wit and fluent speech, his conversation was always interesting and instructive. Elevated in his tastes and predilections, he naturally drew to himself the intimacy of a large number of persons of like character and disposition.



## HENRY PRATT UPHAM.

MEMORIALS IN THE COUNCIL MEETING, NOVEMBER 8, 1909.

The following biographic memorial was presented by WILLIAM H. LIGHTNER, Councilor:

To no one member is this Society more indebted for its growth and stable foundation than it is to Henry Pratt Upham, who departed this life on May 1, 1909, and it is fitting that a record be made of his life and services.

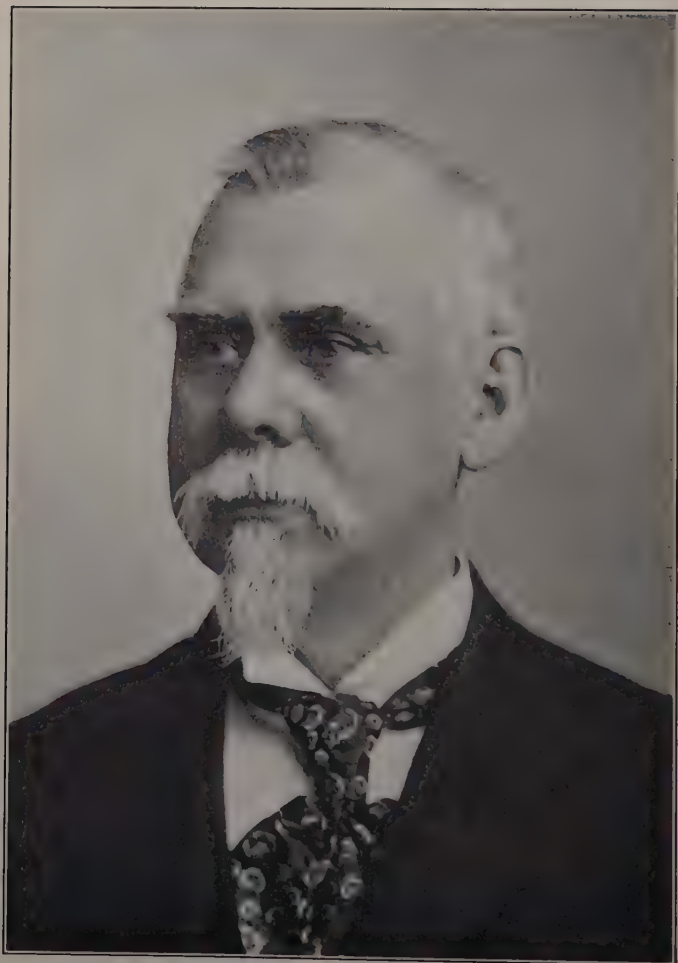
Mr. Upham was born on January 26, 1837, at Millbury, Massachusetts. His father, Joel Worthington Upham, was engaged in the manufacture of turbine wheels at Worcester, Massachusetts, by which he acquired a competency, and he died there in 1879 after a residence of forty years. Mr. Upham's mother was Seraphine Howe, who died in 1839. His father having married a second time, he was brought up by his step-mother, whom he bore in affectionate remembrance. He had a brother, George, who served as an officer in the navy during the War of the Rebellion, and a half-brother, Charles, who served in the 15th Massachusetts Regiment, was captured by the Confederates at the Battle of Ball's Bluff, and died in Libby Prison in 1861.

Mr. Upham was descended from John Upham, who with a company of colonists, under the leadership of Rev. Joseph Hull, set sail from Weymouth, England, for New England on March 20, 1635. These colonists arrived at Boston on May 6, 1635, and made their home in Massachusetts, choosing Weymouth as the name of their new abode. John Upham appears to have been a strong man in his day and generation and to have transmitted to his numerous descendants, who are now to be found in all parts of the United States, the sterling qualities of the early New England colonist.

After receiving a public school education at Worcester, Massachusetts, in 1856, at the age of nineteen, Mr. Upham came to the Territory of Minnesota and reached St. Paul March 9, 1857. Here he formed a co-partnership with Chauncey W. Griggs and for some time engaged in the lumber business. He also engaged in the flour-milling business. In 1863 he began his career in banking by becoming teller in the banking-house







*A. P. Rydham*

MINNESOTA HISTORICAL SOCIETY.  
VOL. XV. PLATE XX.

of Thompson Brothers, which was the same year organized as the First National Bank of St. Paul. He continued in the position of teller until 1867 when he was elected assistant cashier, which position he held until 1869, when he, with others, organized the City Bank of St. Paul, of which he became cashier, the president being H. H. Sibley. This bank was operated successfully for four years, when it was consolidated with the First National Bank, Mr. Upham becoming cashier of the latter institution, with which he remained connected until the time of his death. On May 12, 1880, after the death of the late Horace Thompson, he was elected president of the bank; and he served in that capacity until he retired from active duties on January 8, 1907, continuing thereafter as chairman of the board of directors until his death.

In September, 1868, he married Evelyn Gertrude Burbank, the daughter of Simeon Burbank of St. Paul, formerly of Ludlow, Vermont. They had three children: Gertrude, who married John F. Harris, of New York City; Grace, who married Horace E. Bigelow, of St. Paul; and John Phineas, who is unmarried and resides in St. Paul.

This bare outline of Mr. Upham's business career is the record of a successful business life, but does not disclose his sound business judgment, his strong conservative character, his far-reaching influence, his interest in public affairs, his devotion and loyalty to his friends and associates, and his kindly and generous disposition, which endeared him to his many friends and made his death a great loss not only to his immediate family but also to the community.

For many years past the First National Bank of St. Paul has been one of the leading and strongest financial institutions in the Northwest. Successful in business, it has proved profitable to its stockholders. It has stood for safe and conservative business methods. Repeatedly when great financial distress has prevailed throughout the country, its credit and standing has remained wholly unimpaired. Never has its soundness been in question. An institution of this character is one of the most important factors in the development of a new country and the maintenance of prosperity in the community. To no one is more credit due than to Mr. Upham for the usefulness, the high

standing and the success of this institution, with which for forty-six years his career was identified.

An old friend, writing several years ago, correctly said: "Mr. Upham is the personification of business, and has a sort of reserved power which indicates the character of the man. He is a strong business manipulator without the rant, a locomotive without the noise, a motive power with a steady push. His career from a bank clerk to a bank president has been a peculiar one, but marked by that remarkable trait of character, steadiness of purpose, which is the predominant element in his nature. Modest and retiring, he moves more especially in the business circle, and yet he loves outdoor sports and delights in rambling among the archives of the past."

Though deeply interested in public affairs and active in the support of good government, Mr. Upham never sought public office. He contented himself in rendering, when occasion presented itself, active aid to any candidate in whose character and principles he had confidence and to those measures which made for law and order. Entirely unostentatious, he was in his quiet way a most valuable support to the measures and men whose cause he espoused.

He was a man of pronounced views and convictions. He had no sympathy with dishonesty or shady transactions. The line between right and wrong was clearly defined in his mind, and where any transaction caused the loss of his confidence, it was extremely difficult to regain it. Yet he was a very just and charitable man. His gifts to charities and to those in need were liberal, and were made from a sense of duty as well as from feelings of kindness and generosity. Whatever may be one's personal desire as to contributing from their means in aid of a meritorious cause, it frequently happens that such contributions are made because they are solicited. It was very characteristic of Mr. Upham that he disliked to give upon solicitation, but that he made his liberal benefactions spontaneously at regular seasons without solicitation, from a sense of duty and a wish to aid those less fortunate than himself.

By much reading and study he supplied the want of a college education and acquired a broad acquaintance with literature. Mr. Upham moved much with his fellow men and took

great interest in social and literary organizations. He was a member of the American Antiquarian Society, The Society of Antiquity of Worcester, the Mayflower Society, the Society of Colonial Wars, of which he was some time governor, the Sons of the American Revolution, the Minnesota Club, of which he was at one time president, the Masonic Order, being a Knight Templar, the Ramsey County Pioneer Association, and the St. Paul Chamber of Commerce. He took a lively interest in the St. Paul Public Library, and for several years was on its directorate.

His interest in history was early aroused, and he became a member of the Minnesota Historical Society on June 8, 1868. He was much interested in genealogical studies, and was considered one of the best genealogical students in the Northwest. In this Society he became a life member in 1876 and was a member of the Executive Council from March 8, 1875, until the time of his death. He was treasurer of the Society for more than thirty-three years, chairman of the finance committee since 1881, and chairman of the library committee since 1889. As chairman of the library committee he mainly selected the books purchased, and as treasurer and chairman of the finance committee he had practically the sole management of the finances of the society.

In 1908 a committee of the Executive Council made a report on the permanent trust fund. From this report it appears that this fund began with \$300 in 1871. In 1876, when Mr. Upham became treasurer, the fund amounted to about \$1,500. In 1908 it had increased to \$75,000. The care and management of this fund, no part of which was received from the State of Minnesota, was entirely entrusted to Mr. Upham. It was accumulated from private donations, dues, and judicious investments made by him. In the words of the report of the committee, "certainly there could be no better evidence of the watchful care, the good judgment, and prudent management of this fund on the part of our treasurer, who has had the custody and the management of it during all this time."

Mr. Upham repeatedly declined to accede to the wishes of his friends that he should accept the presidency of this Society, believing that he could be of more service in promoting its



interests in the position which he held. To a very large extent the credit for the sound financial condition of this Society and for its valuable and well selected library, which ranks favorably with the best historical libraries in the country, is due to the devoted and unselfish services of Mr. Upham. With his many other cares he always found the time to guide and guard its interests.

When he obeyed the last call and closed his days, he had completed a successful and well-rounded life. He left a devoted family who mourn their loss and a host of friends who bear tribute to his unusual ability, his unflinching integrity and honesty, his sound and conservative judgment, his steadfastness of purpose, his devotion to his friends, and his kindness and liberality to those in need of assistance.

EVERETT H. BAILEY, Councilor, read this tribute:

At a regular meeting of the Board of Directors of the First National Bank of St. Paul, held on Friday, June 25, 1909, the following resolutions commemorative of the late Henry P. Upham, offered by the President, were unanimously adopted:

"Resolved, That with profound sorrow we record the death on May 1st last of Henry P. Upham, for more than forty-six years closely identified with this institution. His conspicuous ability, sterling integrity, superior judgment, and widely known administrative qualifications, won for him the admiration and esteem of a wide circle of friends, and endeared him to his associates in business and in private life.

"Entering this bank on February 1, 1863, as teller, in 1867 he was elected Assistant Cashier. On January 15, 1873, he was elected Cashier, which office he held until May 12, 1880, when he was elected President; and he served in that capacity until he retired from active duties on January 8, 1907, continuing a member of this Board of Directors, and its Chairman, until his death.

"His decease, after so long and so prominent an active business career, is a great loss to our city, and his unimpeachable reputation and charitable nature are a heritage to be treasured. The Directors and officers of this Bank, his close associates for many years, mourn the loss of a loyal friend, a wise counselor and guide.

"Resolved, That these resolutions be spread on the records of the bank, and a copy be transmitted to the members of his family, expressive of our sympathy in their bereavement."

As a close business associate with Mr. Upham for thirty-six

years, probably no person outside of his immediate family had a better opportunity than myself for discerning and appreciating the qualities of mind and heart which in so positive a manner characterized him among his townsmen.

The admirable memorial to which we have just listened well records his kindly, considerate nature, his helpfulness in counsel and in material ways. His constant desire to render service, where deserved, in his own quiet manner, always impressed me as one of the governing principles of his life. His career was marked by the thoroughness, the accuracy of detail, with which he surveyed business or social problems. He possessed an analytical mind. Among the most positive attributes of his character were scrupulous fidelity, integrity of purpose, and fairness in all things.

The continuous service so devotedly rendered by Henry P. Upham to this Society during many years, will be an inspiration to those who succeed him in its councils.

HON. JOHN B. GILFILLAN, of Minneapolis, said:

I would not have my silence upon this occasion construed as indifference to what has been said and done here in honor of our friend. It was my privilege to know him first, I think, away back in the early sixties, when he held a position of trust and responsibility in the banking institution of Thompson Brothers; and from that time forward, through a long life of business activity, it was a great and growing satisfaction to come into associations with him frequently. The impress of his daily life was productive of pleasant memories all along the line.

If there was any one characteristic that impressed me more than another, it was his native manliness. No one could look upon him, or have to do with him, without feeling, there is a man. In him were found all the elements of manliness in an eminent degree. Ever courteous, kindly and considerate, he always won friends and held them with a firm hold. He entertained malice toward none, but sympathy for all. His word was as good as the written bond. Cool, clear, and considerate, his judgment was without error, his counsel safe, and his aid always valuable and dependable. Looking back over his whole

life, we see nothing to be repented of, but rather a life without blemish, an inspiration and a guide to the best this world affords.

Well will it be for us if in the end we shall be able to command in a like degree the respect, approval, confidence, and love of our fellows.

HON. CHANNING SEABURY said:

Mr. Upham was an upright man, a hater of meanness or deceit, and a loyal friend. It has been said that "a successful banker must have an iron face." Its meaning is that he must learn to say "No." Mr. Upham learned to say "No," but he could also say "Yes," with cordiality. I will give an example of the latter trait of his character, simply to illustrate it. The firm of which I am a member had been customers of his bank for many years. I had never been told what our "line" or "limit" was, although it is usual and customary for every borrower to have an understanding of this character with his banker. So I asked him once, what I should consider our "line" to be, as I did not want to ever meet with a refusal. He quickly answered me, "As long as Bailey and I run this bank, come and get money when you need it. Whenever we think you have had enough, we will tell you so." This was the only answer I ever got, but it illustrates his loyalty to any one he believed in. I am only one of many who can testify to it.

He was a strong man, at all times,—in the hours of prosperity, or when panics came. I have seen him under all conditions, and if there were more men like him in the world, it would be a better place to live in.

REV. JOHN WRIGHT, pastor of St. Paul's Episcopal Church, said:

I desire at this time to emphasize a certain aspect of Mr. Upham's life, his habitual benevolence. This was not left to caprice, impulse, or sentiment, but followed a deliberate system. His ear was ever open to the cry of distress, and his heart softened whenever he knew of a case of suffering.

I never had to appeal to him or make any solicitation or even refresh his memory. There were certain times when his be-

nevolence acted promptly, gladly, and freely. For over twenty years he sent me each Christmas, Easter, and Thanksgiving, a check representing a substantial sum, and left it to my judgment how it should be applied. I knew of many persons who would never seek aid from the charitable organizations of a great city, who would quietly accept relief through me.

In this way I was able to reach very deserving cases. Invalids who were emaciated and weakened through the lack of nourishing food, were supplied with the sustaining things of life, and were brought back to health. Through the stress of poverty others were behind in the payment of rent, and the proffered relief brought peace of mind and communicated new courage for the battle of life. Loss of employment, unexpected sickness, funeral expenses, and the varied phases and conditions that belong to the laboring and lowly classes, were splendidly met through the generosity and thoughtfulness of Mr. Upham.

He had a kind heart, and it was full of sympathy for those who were in genuine distress. He had a strong dislike for the confirmed crank, or for any insincerity in applicants for charity. But for the truly deserving he had words and deeds of helpfulness. The death of Mr. Upham was a personal loss to me, and he will always have a loving place in my memory. I also know that his death brought sorrow to the hearts of hundreds of people in this community who had been uplifted and blessed through his benefactions.

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#### HENRY CHESTER WAITE.

In the Council Meeting on January 13, 1913, the following memorial was presented by HON. C. F. MACDONALD, of St. Cloud.

Among the young men of the East, sixty years ago, who

“Heard the tread of pioneers  
Of nations yet to be,”

in the far west, and joined the tide of emigration towards the setting sun, was Henry Chester Waite, a native of Rensselaerville, Albany county, New York, born June 30, 1830. When



quite young, his parents moved to Chautauqua county, and later to a farm where Henry had agricultural experience. He prepared for college at Fredonia and Jamestown, and graduated from Union College, Schenectady, in 1851. He read law in the office of Emory F. Warren, of Sinclairville, and was admitted to the bar at a term of court held at Angelica, Allegany county, in 1853. In the autumn of the same year, Mr. Waite journeyed westward to Madison, Wisconsin, and formed a law partnership with Alexander Botkin and Thomas Hood, under the firm name of Botkin, Hood & Waite. In the spring of 1855, Mr. Waite located at St. Cloud, Minnesota, and was the first attorney to open an office in that embryo city.

After practicing several years, he engaged in the banking business with Thomas C. McClure, a brother-in-law, and continued until 1865, when he was appointed Register of the United States Land Office, a position he held for four years. Following this period, and for some years, he was engaged in flour milling at Cold Spring, merchandising at the same place, and farming. He was a member of the firm of Clark, Waite & McClure, probably the strongest business organization in central and northern Minnesota at that period.

He saw a great deal of frontier life, and took an active interest in plans for the upbuilding of that region, as well as in political matters. In 1857 he was elected as a Democratic delegate to the Constitutional Convention, and took his seat in that wing of that body. In that period of anti-slavery agitation in the North, and of bitter threats of retaliation by secession in the South, partisan feeling was very strong, and both factions sought to control the new state. Leading Republicans from other states came to Minnesota to aid their party friends in the battle royal, among them John P. Hale, of New Hampshire; Lyman Trumbull and Owen Lovejoy, of Illinois; Schuyler Colfax, of Indiana; and our own James H. Baker, then of Ohio.

In the membership of the two wings of that memorable convention were many of the ablest and brightest pioneer citizens of the Territory, who were and ever will be a credit to the Territory and State, whose memory will be honored more and more in generations to come, as the inestimable value of their services in laying well the foundation of this great commonwealth



comes to be more fully realized. In the Democratic wing were such leaders as Henry H. Sibley, Willis A. Gorman, William Holcombe, George L. Becker, Michael E. Ames, C. E. Flandrau, B. B. Meeker, Lafayette Emmett, and Henry C. Waite, well fitted for the task before them; as were equally so the leaders in the opposing branch, Thomas Wilson, St. A. D. Balcombe, Lucas K. Stannard, Clark W. Thompson, Thomas J. Galbraith, John W. North, O. F. Perkins, Amos Coggs well, and Cyrus Aldrich.

In that body of able men Mr. Waite took a prominent part. He was tenaciously opposed to any compromise with what he and others termed "that other illegal body," and was one of the thirteen Democrats who voted against the final Compromise Constitution.

When we consider the strong bitterness existing between the two wings, it is a source of surprise and gratification that the fundamental law finally evolved has proven so meritorious and has guided the Ship of State safely for more than half a century.

Mr. Waite later allied himself with the Republican party, as did other Democrats. From the Republican wing there also were desertions, such leaders as Thomas Wilson, Amos Coggs well, and Cyrus Aldrich, going over to the Democracy in later years.

It was thought at the time of his death that Mr. Waite was the last survivor of the Constitutional Convention membership, but it has since developed that Lucas K. Stannard still survives, aged eighty-seven years.

In the later history of the State, Mr. Waite served one term in the House of Representatives and three in the Senate, taking a leading position. He was a life member of this Society.

In disposition he was one of the most kindly of men, a good friend and neighbor, and highly esteemed for his many generous and endearing qualities. His tastes were along literary lines. He possessed poetic talent of a high order, and was the author of poems and other articles of excellence.

January 1, 1860, Mr. Waite wedded Mrs. Maria D. Paige, a daughter of Dr. Shepard Clark, of Hubbardston, Mass. Two sons were born to them, John Chester and Clark. The former

died in November, 1887. Mrs. Waite died three years ago.

For several years prior to his death, Mr. Waite's growing infirmities incapacitated him from active life. The last two years he spent on his farm near St. Cloud. Following the death of his wife, he gradually but surely failed until finally the lamp of life ceased burning, at the dawn of Friday, November 15, 1912.

More than a quarter of a century ago, Mr. Waite became a convert to the Roman Catholic faith, and his funeral services were held in the St. Cloud Cathedral, on Monday, November 18. His remains were laid at rest in North Star Cemetery, in the Waite family lot.

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## WILLIAM DREW WASHBURN.

### A MEMORIAL PRESENTED BY THE SECRETARY.

William Drew Washburn, a member of the distinguished Washburn family of nation-wide influence and fame, and one of the most prominent citizens of Minnesota, was born on a farm near Livermore, Maine, January 14, 1831, being the seventh son of his parents. He attended the district school in his childhood, and later attended an academy and Bowdoin college, being graduated from this college in 1854. The next two years were spent in reading law in the office of his brother Israel, and in that of John A. Peters, later chief justice of Maine.

In 1857 young Washburn came to Minnesota, and in May he opened a law office in Minneapolis.

President Lincoln appointed him surveyor general of this state in 1861, and after serving four years in this position he engaged in the lumber business.

From 1869 to 1877 he was a railroad builder for the Minneapolis and St. Louis railway company. Later he began the construction of the Minneapolis, St. Paul and Sault Ste. Marie line, building several hundred miles of that railway in the years 1885-89, and was president of this company until the lat-

ter year, when he resigned on account of his election to the United States Senate.

Besides these large lumbering and railroad enterprises, he was interested in the extensive Pillsbury-Washburn flouring mills, these companies being organized both in Minnesota and in England.

In 1871 Mr. Washburn was a representative in the State Legislature. In 1878 he was elected to the lower house of Congress, where he served six years; and from 1889 to 1895 he was United States senator from Minnesota. He was prominent in public services and charities in this state, and he was elected a life member of this Historical Society on November 13, 1882.

He died at his home in Minneapolis, July 29, 1912.

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### FREDERICK WEYERHAEUSER.

BORN NOVEMBER 21, 1834; DIED APRIL 4, 1914.

The following memorial was presented by NEWEL H. CLAPP, of St. Paul, in the Council Meeting on April 13, 1914.

It is difficult to speak of men who have achieved the success to which Mr. Weyerhaeuser attained without speaking in exaggerated terms. This is more especially true of him because so much of the success ascribed to him by the general public, and in the public prints, as relates to the volume of his wealth or property, is really the aggregate of success financially of many others jointly with Mr. Weyerhaeuser. So it must be borne in mind that when any one speaks of the properties owned by Mr. Weyerhaeuser, he is, unconsciously perhaps, but nevertheless necessarily, speaking of him and his associates. I shall try in what I have to say this evening to avoid this error, and to speak only of the man and his character.

When I first knew him, in the early eighties, before his coming in 1891 to be a resident of St. Paul, he had passed the early stages of his business career, had built up the great business machine of which he was the director, and was perhaps at the zenith of his power as an organizer and controller of men. It

is of some of the qualities of mind and heart that enabled him to rise to that position that I want to speak at this time.

Mr. Weyerhaeuser was a business genius. He was one of those rare men who can, and do, see beyond the present and immediate future, and forecast with a wonderful degree of certainty and accuracy the progress and outcome of a particular line of business or a particular kind of property. He used to deny that he or any other man was ever possessed of any such intuition or judgment, and to say that business success awaits any man who has fair judgment and nerve to back it, and who will work hard to attain his ends. But I feel sure there is something more than merely fair judgment, nerve, and industry, required to attain such great success as did Mr. Weyerhaeuser. I think this wonderful ability to foresee the value of a piece of property, or of a method of conducting a business in a particular manner, was one of the main factors in his success.

Then, he was a thoroughly honest man. He was not honest because he felt that was the best policy, but because his mind could tolerate nothing else for himself, and the standard he set for himself he required others to conform to.

He was kind, generous, and considerate; while he was a man of strong will, determined to carry out his plans in all cases when he believed them right, he was always glad to listen to the views of others and never attempted to force his opinions on any one. No matter how much any or all of his associates might disagree with him, he never even tried to compel them or any of them to adopt his views. No large purchase of property was ever made, no general change of business methods or policy was ever ordered, without the unanimous consent of those interested with him, nor until by kindly argument, which amounted usually to a demonstration, he had convinced those who at first opposed him, that he was right. He was a genuine conservator; not one of those who believe that the way to conserve is to put away and neither use yourself nor let anybody else use, but one who believed in the teachings of our Saviour, that if one was entrusted with a talent it was his duty to make that talent produce as many others as possible. He was among the first, if not the first, in his line of business, to see the terrible waste of money and material that was taking place, and



to devise methods to prevent it; and he continued to strive for those methods which would still further prevent waste as long as he lived.

About the year 1870 he, with Mr. Denkmann, was engaged in the business of manufacturing lumber at Rock Island. They had up to that time prospered in their business, and had conducted it without much reference to what others in the same line were doing. They owned some pine timber on tributaries of the Mississippi, and, like all their competitors, they "looked out for themselves," which means that in the fall each man, or firm, went into the woods with his own crew of men, built his own logging camps and logging roads and dams, and cut and hauled his logs to some stream down which they could be floated. When spring arrived with its floods, each proprietor went on the stream prepared to "drive" his own logs; he paid no attention to his neighbor, took no precaution to prevent too many logs being driven into one place at the same time, nor any heed of his neighbor's necessity for the use of the same water that he needed. Of course, the logs ultimately became hopelessly intermingled, and they must be, and were, stopped many times and assorted, so that the logs belonging to individuals doing business at that point were delivered to them. This necessarily involved handling and rehandling them many times, hindering the ultimate delivery of the logs to the mills for manufacture. Necessarily, too, this method caused constant friction and ill feeling and more or less litigation, and it was constantly growing worse.

Mr. Weyerhaeuser saw that in some way these warring factions must be brought together and made to work in harmony. The work of cutting and banking the logs must be put in the hands of the best men, who were not necessarily the best men to drive them, and for that part of the work also the best men must be selected. If a road, dam, or other "improvement," necessary to handle the timber belonging to several parties, must be built, all must contribute to the building, and then all must be allowed to reap its benefits. The waters of the various tributaries upon which the logs were banked, and of the main streams, must be controlled and used so as to obtain the best results for the lumbermen as a whole; some scheme must be



devised whereby there should be, as far as possible, a common ownership of the logs, and then the logs must be so divided that each owner should receive his fair proportion, quantity and quality being considered. To those of us who have seen the result finally attained, all these things look so reasonable and necessary that we can hardly conceive how anyone would do, or want to do, otherwise. But when we consider that Mr. Weyerhaeuser's business competitors were also men of strong wills, with fixed ideas as to the way in which their business should be conducted, and with the usual selfish belief that their particular property and business methods were a little or a great deal better than any or a great majority of the others, we get a faint idea of the task Mr. Weyerhaeuser set himself to accomplish.

Time will not permit, nor am I sufficiently familiar with details to be able to recount all that was accomplished. The first organization was known as the Mississippi River Logging Company, in which Mr. Weyerhaeuser succeeded in bringing together a large majority of the mill owners and lumbermen on the Mississippi and its tributaries (other than the St. Croix) reaching into the pine forests of Wisconsin. Using their combined capital, they were able to buy large and choice tracts of timber when the owners were ready to sell them, and combining their skill as lumbermen they were able to, and did, inaugurate business methods which eliminated waste, fraud, and duplication of labor, to such an extent that they could be certain of a fair profit, where, pursuing the old methods, loss would inevitably have resulted. Mr. Weyerhaeuser's business career up to that time had earned him the reputation of being honest, farsighted and careful, and the men who were then associated with him knew him well.

As time went on, they and others learned more of his unerring judgment, his sterling honesty and good sense, his absolute fairness, and his ability and disposition to put his own selfish interests in the background when they conflicted with those of his partners in business, until they came to place upon his shoulders the entire burden of managing the conduct of their business. From time to time all, or some of them, joined with him in forming other corporations to carry on the lum-

bering business. They all knew he would never in any way permit himself or anyone else to reap a dollar of profit out of an enterprise beyond his share of the profit of that enterprise as a whole; that if he told them a particular property could be bought, or sold, at a certain price, that price was just what the prospective vendor or purchaser had named; there was not a cent in the transaction anywhere for Mr. Weyerhaeuser, or for any one interested with him or on his side, beyond their share in the enterprise as a whole; and they knew that he honestly believed that it was best to buy or sell, if he so advised. Neither Mr. Weyerhaeuser nor any association of which he was a member ever issued, or directly or indirectly consented to the issue of, a dollar of water stock. Indeed, they were apt to squeeze it so hard that it was worth, when issued, at least two for one.

So it came to be said by all of those associated with him, "Whatever Weyerhaeuser says goes," and from this saying, I think, has grown the idea that he at all times had the majority in interest and the power, legally, to enforce his views. This idea is very far from the truth. Mr. Weyerhaeuser picked his associates; he had excellent judgment as to the character of other men, and he had the advice of many friends who either knew something of the man under consideration, or knew someone who did. Having once determined that a man came up to his standards, Mr. Weyerhaeuser trusted him absolutely and permitted him to have as large an interest in a given enterprise as was consistent with the rights of others and as the man could carry. Mr. Weyerhaeuser never stipulated for, or had for himself, the majority in interest or vote in any one of the many companies he was connected with. But because of his personal ability, fairness and honesty, and the faith his associates had in him, he always had the practical control.

Mr. Weyerhaeuser would never himself resort to, or tolerate in his employees, any unfair or underhanded methods of competition with others who were not interested or associated with him; he believed that prosperous neighbors contributed more to his own prosperity than insolvent ones, and always sought not to pull down, but to build up those with whom he came in contact.

He was essentially a lumberman; he believed that a man could attain great ends only by sticking to his own business. He took great pains to become, and he was, well informed, in a general way, as to most other lines of business and their needs and possibilities, and he used this information to enable him to shape the conduct of his own business.

As he grew to be a great figure in the lumbering business, his advice and financial aid were sought by men in other lines, and to a very limited extent he invested in some of them; but he never lost his love for a pine tree, and was always ready to buy one, or more, when it was offered him at what he considered a fair price.

He never dealt in, or had much to do with, any other kind of timber. It is related of him that on a certain occasion a man tried to sell him a tract of hardwood, and took great pains to picture in somewhat glowing terms the wonderful possibilities of an investment in the tract. Among other things he sought to show that the hardwood could be manufactured into many different kinds of wood products from a toothpick to a grand piano, while pine could only be used in the construction of buildings. Mr. Weyerhaeuser listened very patiently and courteously to the end of the discourse, and then closed the interview by saying, "Well, all that you say may be true, but I like a pine tree because it is always green."

Time will not permit me to enlarge upon Mr. Weyerhaeuser's untiring industry. Until after an illness which to some extent incapacitated him from physical exertion, he was constantly engaged during the summer in traveling to and fro from one manufacturing plant to another, advising and directing the course to be pursued. His visits were not advertised, but his managers knew he was liable to drop in at any time, and they welcomed his arrival, because, while he never failed to criticise and condemn improper or wasteful methods when he found them, he never did so unkindly; and if a man was doing the best he knew how, he was always praised, even if Mr. Weyerhaeuser pointed out that the course being pursued was wrong.

An amusing anecdote was related of one manager who had the reputation of being a little "near." This man learned of one of Mr. Weyerhaeuser's visits in advance and "slicked up"

until he thought no possible criticism could be made. Mr. Weyerhaeuser arrived, and together they started to inspect the plant. The manager was not modest in calling attention to the fine condition of everything, nor was Mr. Weyerhaeuser stinted in his praise of what he saw. But it seems that somebody had made the mistake of cutting the strings with which the bundles of lath were tied, about twice as long as was necessary, thus wasting the extra string. Mr. Weyerhaeuser saw it instantly, and, turning to the manager, said, "When did you begin to put neckties on them?"

When the mills were idle in the winter months and active logging operations were being carried on, Mr. Weyerhaeuser spent most of his time in the woods, and he used to say that it was these months in the woods among the pines, sharing the rough quarters and homely fare of the men in his employment, that he enjoyed most, that this really constituted his vacation and gave him strength to perform his tasks.

Much has been said of Mr. Weyerhaeuser's secretiveness and secret methods of work. He was both socially and in business a very modest man. He abhorred notoriety, ostentation, or display of any kind. He did not feel that the public generally had, or ought to have, any particular interest in him as an individual. The business world in which he moved knew him for what he was as a man. That what was so known was not published broadcast is due, I think, entirely to his own modesty and the respect therefor entertained by those who knew him. To all those who were associated with him, and to all those who met him in a business or social way, he was frank and open to a remarkable degree. He did not hesitate to tell all he knew about anything, or anybody, himself included, always avoiding, however, any claim for himself of wealth, power, or social position. Many times some of his associates thought he was almost too frank and willing to talk relating to his business affairs. Perhaps it is needless to say that he never exaggerated or talked for effect, or made statements he did not know to be true. What he said was to be taken at its full value.

To one who has known him intimately, at least in a business way, it is a pleasure to speak of him. I have tried to give



my ideas of Mr. Weyerhaeuser as a business man, and of those qualities which enabled him to succeed. To recount the various enterprises in which he has been interested and his successes or failures, for sometimes he did make mistakes, would be to write a book, and, I believe, in the end would throw little more light on his essential characteristics than what I have said.

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### NEWTON HORACE WINCHELL.

MEMORIALS IN THE COUNCIL MEETING, MAY 11, 1914.

WARREN UPHAM, Secretary, presented the following biographic memorial.

A member of this Historical Society who had attained a worldwide fame by his work as the State Geologist of Minnesota, Professor N. H. Winchell, has fallen,—let us rather say, and more truly, he has been promoted, called up higher. He was born in North East, Dutchess county, N. Y., December 17, 1839; and died in a hospital of Minneapolis, the city of his home, on Saturday afternoon, May 2, in the seventy-fifth year of his age.

Like his brother, Alexander, with whose family he had his home during the early part of his university studies, at Ann Arbor, Michigan, Newton Horace devoted himself mainly to the science of geology, with allied interest in all branches of natural history. In Michigan he did much early work for botany; and in his latest years, after his geological survey of Minnesota was completed, he performed very valuable services for this Society on the archaeology and ethnology of this state and the northwest. From the later work resulted a quarto volume, published in 1911, entitled, "The Aborigines of Minnesota," 761 pages, with many illustrations and about 500 maps of groups of Indian mounds. This volume, and the twenty-four Annual Reports and six quarto volumes of Final Reports of the Geological and Natural History Survey of Minnesota, are monuments more enduring than bronze, which will be consulted and studied during all the coming centuries by inves-







*A. H. Michell*

MINNESOTA HISTORICAL SOCIETY.  
VOL. XV. PLATE XXI.

tigators of the origin and history of the races of mankind and by all interested in geology or earth lore, not only in the schools and universities of Minnesota but of all the world.

Newton Horace Winchell in boyhood attended the public school and academy at Salisbury, Conn.; and at the age of sixteen years he began teaching in a district school of his native town. Two years later, in 1858, he entered the University of Michigan, where his brother was the professor of geology. The next eight years were spent alternately in studies at the university and in school teaching, the schools taught being in Ann Arbor, Grass Lake, Flint, Kalamazoo, Colon, and Port Huron, Michigan. Previous to his graduation at the university, in 1866, he had been two years the superintendent of public schools in St. Clair, Mich.; and next after graduation he was again superintendent of schools at Adrian in that state for two years, 1867-69. He received from his Alma Mater the degree of master of arts in 1867.

During a year, in 1869-70, he was an assistant to Prof. Alexander Winchell on the Geological Survey of Michigan; and later in 1870 he visited and reported on the copper and silver deposits of New Mexico. In 1871 he assisted Prof. J. S. Newberry, the state geologist of Ohio, surveying and reporting on twenty counties in the northwestern part of that state.

In the summer of 1872, N. H. Winchell was invited by President Folwell, of the University of Minnesota, to take up the work then recently ordered by the legislature for a survey of the geology and natural history of this state, to be done under the direction of the Board of Regents of the University. In this work he continued twenty-eight years, until 1900; and during the first seven years, until 1879, he performed also the full duties of the university professorship of geology. Later he relinquished teaching, aside from occasional lectures, and gave all his time to the diversified duties of the state survey and the curatorship of the university museum.

In the summer of 1874 Professor Winchell accompanied General Custer's expedition to the Black Hills, brought back many valuable additions for the museum, and prepared a report which contains the first geological map of the interior of the Black Hills.

In 1873 he was one of the organizers of the Minnesota Academy of Natural Sciences, which he served during three terms as president; and he continued as one of its most active members throughout his life.

He was a fellow of the American Association for the Advancement of Science, and presided over its geological section at the Philadelphia meeting in 1884. He was also one of the chief founders of the Geological Society of America, in 1889, and was its president in 1902. He was a member of national societies of mineralogy and geology in France and Belgium. In the International Congress of Geologists he became a member in 1888, being reporter for the American committee on the nomenclature of the Paleozoic series; contributed papers in French to its subsequent meetings at Boulogne and Zurich; and attended its triennial meeting last August in Toronto.

Under appointment by President Cleveland in 1887, Professor Winchell was a member of the United States Assay Commission. His geological reports received a diploma and medal at the Paris Exposition of 1889, and a medal at the World's Fair in Chicago in 1893.

He was the chief founder of the *American Geologist*, a monthly magazine, which was published in Minneapolis, under his editorship, during eighteen years, 1888-1905, in two volumes yearly, forming a series of thirty-six volumes. This work, in which he was much assisted by Mrs. Winchell, greatly promoted the science of geology, affording means of publication to many specialists and amateurs throughout this country. It also brought out many biographic sketches, with portraits, of the principal early American workers in this wide field of knowledge.

In one of the bulletins of the Minnesota Geological Survey, entitled "The Iron Ores of Minnesota," 430 pages, with maps, published in 1891, Prof. N. H. Winchell had the aid of his son, Horace Vaughn Winchell; and in a text-book, "Elements of Optical Mineralogy," 502 pages, 1909, he was associated in authorship with his younger son, Prof. Alexander Newton Winchell, of the University of Wisconsin. During parts of the later years of the Minnesota survey he was aided by his son-in-law, Dr. Ulysses S. Grant, professor of geology in the Northwestern University, Evanston, Illinois.

In 1895-96 Professor and Mrs. N. H. Winchell spent about a year in Paris, France, and again he was there during six months in 1898, his attention being given mainly during each of these long visits abroad to special studies and investigations in petrology.

My association with Professor N. H. Winchell began in June, 1879. Coming from the Geological Survey of New Hampshire, in which I had been for several years an assistant, I was thenceforward one of the assistants of the Minnesota survey six years, until 1885, and again in 1893 and 1894. In the meantime and later, while I was an assistant geologist of the surveys of the United States and Canada, on the exploration, mapping, and publication of the Glacial Lake Agassiz, which occupied the basin of the Red river and of lakes Winnipeg and Manitoba, my frequent association with Prof. Winchell kept me constantly well acquainted with the progress of his Minnesota work. Since the spring of 1906 he had been in the service of the Minnesota Historical Society, having charge of its Department of Archaeology. During all these thirty-five years I had intimately known him, and had increasingly revered and loved him. Besides being a skilled geologist, Newton Horace Winchell was a good citizen, a Christian in faith and practice, beloved by all who knew him.

Among the many special investigations which Prof. N. H. Winchell published during the forty-five years of his active work as a scientist, author, and editor, none probably has been more widely influential upon geologic thought and progress than his studies and estimates of the rate of recession of the Falls of St. Anthony, cutting the Mississippi river gorge from Fort Snelling to the present site of the falls in Minneapolis. This investigation, first published in 1876, gave about 8,000 years as the time occupied by the gorge erosion, which is likewise the approximate measure of the time that has passed since the closing stage of the Ice Age or Glacial period, when the border of the waning ice-sheet was melted away on the area of Minnesota.

Artificially chipped quartz fragments and rude aboriginal implements found in the Mississippi valley drift at Little Falls, in central Minnesota, belonging to the time of final melting of



the ice-sheet there, and other traces of man's presence at nearly the same time, or even much earlier, in numerous other localities of the southern part of our great North American glaciated area, have led Professor Winchell and others, as the late Hon. J. V. Brower, Professors G. F. Wright and F. W. Putnam, and myself, to a confident belief that mankind occupied this continent during the later part of the Ice Age, or even quite probably much earlier in that period, and possibly even before our continental glaciation began. This very interesting line of investigation was the theme of the last paper written by Professor Winchell, entitled "The Antiquity of Man in America Compared with Europe," which he presented as a lecture before the Iowa Academy of Sciences in Cedar Falls, Iowa, on Friday evening, April 24, only a week before he died.

The work on which he was engaged for this Historical Society, during his last eight years, based on very extensive collections, by Hon. J. V. Brower, of aboriginal implements from Minnesota and other states west to the Rocky mountains and south to Kansas, enabled Professor Winchell to take up very fully the questions of man's antiquity and of his relation to the Ice Age.

During the years 1909-10 Professor Winchell, as a member of the Museum Committee of this Society, gave much attention to investigations of the rune stone found near Kensington, in Douglas county, bearing inscriptions purporting to be a record of a party of Swedes and Norwegians coming there in the year 1362. The report of this committee, concluding that the inscriptions are probably true and of that very ancient date, was first published by this Society in December, 1910, and is reprinted in pages 221-286 of this volume, with illustrative plates and maps. Professor Winchell was the author of the report, and he was entirely confident of the reliability of this conclusion, in which each of his associates in the committee concurred.

The last publication in his work for this Society was in the summer of 1913, entitled "The Weathering of Aboriginal Stone Artifacts, No. 1; A Consideration of the Paleoliths of Kansas," forming Part I of Volume XVI, M. H. S. Collections, 186 pages, with a map, 19 plates, and numerous text illustrations.

He had enjoyed somewhat good health until the last week,

although suffering in some degree with a chronic trouble of many years, and his death resulted from a needed surgical operation done on the preceding day.

Geologist, naturalist, ethnologist, archaeologist, historian, my well trusted guide and comrade through half a lifetime, toiling ever upward, Farewell!

“Green be the turf above thee,

Friend of my better days!

None knew thee but to love thee,

Nor named thee but to praise.”

WILLIAM W. FOLWELL, the first president of the University of Minnesota, said:

I willingly respond to the request for a few words in appreciation of Professor Winchell. Regents Pillsbury and Nicols, both members of the state senate in 1872, had little difficulty in securing the passage of a bill drawn by the writer, for the establishment of a Geological and Natural History Survey of Minnesota. The plan was to have the scientific work of the survey carried on by members of the University faculty, under the general oversight of the board of regents.

From the candidates for the new professorship of geology, Professor Newton H. Winchell was easily selected. He had been graduated from the University of Michigan, where his distinguished brother, then one of the leading geologists of the country, was professor. He had been principal of a high school, and had taught in the University which had graduated him. He had had three years' experience as assistant on the geological surveys of Michigan and Ohio. This combination of gifts and experience seemed to fit him expressly for the double service in Minnesota. A few years of labor fully justified the recommendations of friends and the judgment of the regents.

For seven years Professor Winchell carried all or nearly all the teaching in the department of geology and mineralogy. By that time there was a good deal of clamor for immediate economic results from the survey, in response to which the regents relieved him of all instruction to devote his whole time and strength to the survey.

Had he remained an active member of the faculty, and gone in and out among us, it would not be necessary now to remind

the faculty and the whole University that the man whose body we laid to rest a week ago has given the University a wider repute than all of us put together. His final report on the geology of Minnesota in six noble quartos is on the shelves of all the great libraries of the world. One whose attainments entitle his opinion to credence has said of this work: "No state publication of like nature surpasses in scientific importance this survey by Mr. Winchell, and it could be said none equals it."

My wish is to remind you that a truly great scholar has been taken from the University circle, and that Minnesota has lost one of her most useful citizens. Professor Newton Horace Winchell's name is forever inscribed on the roll of our most distinguished men.

COLONEL JAMES HAMILTON DAVIDSON, of St. Paul, said:

It has been my good fortune to be brought into very close relationship and personal friendship with three members of this Society, namely, John Fletcher Williams, General James H. Baker, and Professor N. H. Winchell. The bond of friendship between the two former and myself grew somewhat out of the fact that they were early graduates of the Ohio Wesleyan University at Delaware, Ohio, where I received my degrees. They were all wonderfully helpful to this great society which has been collecting its records and its treasures for more than half a century.

I am glad to know that this Society's library and other collections will soon be housed in a suitable fireproof building where these treasures, which could never be replaced, will be carefully housed and cared for, a storehouse of information for all coming generations.

In his printed reports and scientific works, which are many, Prof. N. H. Winchell will live through coming ages. I venture to make this suggestion, that, when the new Historical Society Building is completed and the work of ornamenting it is undertaken, a life size statue of purest Parian marble be erected at the entrance to commemorate this great man and his historic work.

## OTHER DECEASED MEMBERS, 1909-14.

### MEMORIALS PRESENTED BY WARREN UPHAM.

SAMUEL EMERY ADAMS, elected to life membership in this Society January 10, 1876, was born in Reading, Vt., December 1, 1828; and died at his home in Minneapolis, March 29, 1912. He came to Minnesota in 1856, settling in Monticello; was a state senator, 1857-60; was paymaster in the civil war, and was brevetted lieutenant colonel; resided in Minneapolis after 1883, being in real estate business, and was an alderman many years. He was a prominent freemason.

CHARLES EDWIN ALLEN, of Cedar Grove, Maine, who was elected to corresponding membership February 8, 1909, died at his home October 28, 1911.

CHARLES GORDON AMES, who during half a century was a corresponding member of this Society, was born in Dorchester, Mass., October 3, 1828; and died in Boston, Mass., April 15, 1912. He came to Minnesota in 1851, as a missionary of the Free Baptist church, but, his theological views having changed, he joined the Unitarian denomination. He remained in St. Anthony Falls until 1859; later was a pastor in Illinois, New York and California, and in Philadelphia, and after 1888 in Boston. He is commemorated in "A Spiritual Autobiography, with an Epilogue by Alice Ames Winter," 229 pages, 1913.

ARTHUR CONVERSE ANDERSON, elected an annual member of this Society February 8, 1897, was born in Bethel, Vt., December 2, 1859; and died at his home in White Bear, Minn., May 29, 1909. He settled in St. Paul in 1883; was assistant cashier of the St. Paul National Bank, 1883-8, cashier 1888-1902; and its president from 1902 until 1906, when it was consolidated with the Capital National Bank.

DANIEL A. J. BAKER was born in 1822 in New Sharon, Maine; and died in Minneapolis, October 2, 1909. He came to Minnesota in 1849, and taught at St. Paul, in 1850-51, the first public school in the territory, having 103 pupils in attendance. After practicing law here three years, he joined with others in 1854 in pre-empting the site and founding the town of Superior, Wisconsin. He was appointed judge of the district court by the governor of Wisconsin, and held this commission three years. In 1857 he was a member of the constitutional convention of Minnesota; and thenceforward he resided in Ramsey county, being its superintendent of schools for ten years. He built a large residence and a greenhouse in 1867 on his farm in the southwest part of Rose township, later included in the city of St. Paul. Judge Baker became a life member of this Historical Society on January 15, 1856.

ADOLPH FRANCIS ALPHONSE BANDELIER, archaeologist, was born in Bern, Switzerland, August 6, 1840; and died in Seville, Spain, March 18, 1914. He came to the United States in his youth; traveled extensively for the interests of archaeology, ethnology, and history, in the southwestern United States, Mexico, Central America, Peru, and Bolivia; was elected a corresponding member of this Society on April 8, 1907.

GEORGE WASHINGTON BATCHELDER, elected a life member December 12, 1904, was born in Danville, Vt., February 18, 1826; and died in Faribault, Minn., January 9, 1910. He was graduated at the University of Vermont, 1851; and four years later, having been admitted to practice law, he came to Minnesota, settling at Faribault. In 1872-3 he was a state senator.

ALBERT STILLMAN BATCHELLOR, elected a corresponding member September 10, 1894, was born in Bethlehem, N. H., April 22, 1850; and died in Littleton, N. H., June 15, 1913. He was graduated at Dartmouth College, 1872; practiced law, settling in Littleton; and was the State Historian and Editor of the New Hampshire State Papers after 1890.



JOHN EDSON BELL, elected to annual membership January 13, 1908, was born in Brownville, N. Y., October 10, 1834; and died in Excelsior, Minn., September 10, 1909. He came to Minnesota in 1857, settling in Minneapolis, and engaged in mercantile business. In 1870 he became cashier of the Hennepin County Savings Bank, and after 1889 was its president till his death. He was prominent in church, Sunday School, and Y. M. C. A. work.

PETER BERKEY was born near Johnstown, Pa., September 14, 1822; and died in St. Paul, April 16, 1909. When thirteen years of age he became a driver on the Pennsylvania canal, and afterward was captain of a fast canal packet plying between Johnstown and Pittsburg. He came to Minnesota in 1853, settling in St. Paul, and with John Nicols established a hardware business. He was president of the St. Paul, Stillwater and Taylor's Falls railroad company, 1871-76, and of the St. Paul National Bank, 1883-92; was a representative in the Legislature, 1872. January 15, 1856, Captain Berkey was elected a life member of this Historical Society, of which he was a councilor from 1864 to 1870, being for a part of that time its treasurer.

CHARLES HENRY BIGELOW, elected an annual member December 11, 1899, was born in Easton, N. Y., June 4, 1835; and died in St. Paul, July 31, 1911. He settled at St. Paul in 1864, engaging in lumber business and insurance; was president of the St. Paul Fire and Marine Insurance Company, 1876-1911.

CLARA WOOSTER ABBIE BLACKMAN, elected a life member September 14, 1908, died at her home in St. Paul, April 13, 1913. She was a grade teacher in the Franklin School, 1874-85; principal of the Longfellow School twenty-two years, 1885-1907; and later was the compiler of a manuscript Blackman Genealogy.

JULIAN CLARENCE BRYANT, elected a life member January 12, 1914, was born in Cincinnati, Ohio, February 9, 1852; died in St. Paul, November 18, 1914. He came with his parents to

Minnesota in 1859; was graduated at the University of Minnesota, 1878; was superintendent of schools in Owatonna three years; settled in St. Paul, 1883; studied law, and was admitted to the bar; during many years, 1886-1912, was successively principal of the Humboldt High School, the Central High School, and the Madison School.

AUGUSTUS R. CAPEHART, elected a corresponding member May 8, 1905, was born in Georgia in 1836; settled in St. Paul in 1856; practiced law and dealt in real estate; removed to Phoenix, Arizona, in 1905; and died there, December 8, 1912.

THEODORE G. CARTER was born in Allegany county, N. Y., in February, 1832; and died in St. Peter, Minn., August 7, 1914. He came to Minnesota in 1856; two years later settled in St. Peter, and was cashier in a bank; served in the Seventh Minnesota regiment in the civil war, attaining the rank of captain; afterward engaged in real estate and insurance business; was elected to life membership in this Society May 10, 1897.

JAMES ERWIN CHILD, elected to annual membership February 12, 1906, was born in Jefferson county, N. Y., December 19, 1833; and died in Waseca, Minn., January 25, 1912. He came to Minnesota in 1855, settling in Wilton, removed to Waseca in 1868; was a lawyer and newspaper editor; a representative in the state legislature, 1861, 1874, and 1883; a state senator in 1872; Prohibition candidate for governor in 1886; author of "History of Waseca County," 848 pages, 1905.

SIMEON P. CHILD, elected a life member December 11, 1899, was born in Ohio in 1836; and died at his home near Shakopee, Minn., May 26, 1912. He came to Minnesota in 1855, settling in Waseca county; served in the Indian and civil wars; removed to Blue Earth City, 1866, to St. Paul, 1892, and to a farm near Shakopee, 1900; was a representative in the legislature, 1872-3 and 1877, and a state senator, 1874-5.

FRANCIS BYRON CLARKE, elected a life member November 13, 1882, was born in Madison county, N. Y., July 1, 1839; and died in Portland, Oregon, April 24, 1911. He settled in St. Paul in 1871; was in the employ of the West Wisconsin railway company; later was traffic manager of the Great Northern railway, and in 1905 removed to Oregon.

EUGENE B. CRANE, elected an annual member January 9, 1911, was born in Sharon, Ohio, November 4, 1840; was graduated in law at the University of Michigan, 1866; came to Minnesota in 1870, settling at Austin; removed to Minneapolis in 1902; died at Ocean Park, California, November 4, 1912.

FRANK BERTINE DAUGHERTY, contractor, elected to life membership September 14, 1903, was born in Rosendale, Wis., June 7, 1850; died in Pine City, Minn., June 8, 1911. He settled in Duluth in 1878; was a state senator, 1891-3 and 1899-1902.

THOMAS HUNTER DICKSON, elected to annual membership December 14, 1908, was born in Philadelphia, Pa., December 4, 1840; died in St. Paul, May 14, 1912. He came to Minnesota in 1880, settling in St. Paul; was freight agent of the Great Northern railway, 1880-1901, and later of the Northern Pacific railway.

REUBEN THOMAS DURRETT, elected a corresponding member February 8, 1897, was born in Henry county, Kentucky, Jan. 22, 1824; died in Louisville, Ky., September 16, 1913. He was graduated at Brown University, 1849, and in law at the University of Louisville, 1850, where he settled in law practice; was founder of the Filson Club, 1884, and was through his life its president and supporter of its very valuable historical publications.

RICHMOND PEARL EVERETT, corresponding member, elected December 10, 1894, was born in Providence, R. I., September 6, 1826, and resided there, engaging in mercantile business; was

treasurer of the Rhode Island Historical Society thirty-five years, 1867-1902; died at a sanitarium in Attleboro, Mass., March 9, 1910.

HENRY SHIELDS FAIRCHILD was born in Warren county, Ohio, August 18, 1826; died in St. Paul, September 18, 1913. He came to Minnesota in 1857, settling in St. Paul, where he engaged through his life in real estate business. He aided greatly in securing for the state the site of the new capitol and the state fair ground. He was elected a life member of this Society November 13, 1882; was a member of the Executive Council from January 8, 1894, until his death; author of "Sketches of the Early History of Real Estate in St. Paul," M. H. S. Collections, vol. X, 1905, pages 417-443, with his portrait.

GEORGE R. FINCH, elected to life membership November 13, 1882, was born in Delaware, Ohio, September 24, 1839; died in St. Paul, June 1, 1910. He came to Minnesota in 1863, settling in this city, and engaged in wholesale dry goods business. After 1888 he was the senior member of his firm, its corporate name for many years being Finch, Van Slyck, Young, and Company.

ALCEE FORTIER, elected to honorary membership April 8, 1907, was born in St. James Parish, La., June 5, 1856; died in New Orleans, February 14, 1914. He was educated at the University of Virginia and in New Orleans; was professor of Romance languages, Tulane University, from 1880 through his life; author of many historical works, including the History of Louisiana, four volumes, 1904.

HENRY GANNETT, elected an honorary member March 11, 1907, was born at Bath, Maine, August 24, 1846; died in Washington, D. C., November 5, 1914. He was graduated at the Lawrence Scientific School, Harvard University, 1869; was topographer in surveys of the Territories by Dr. F. V. Hayden, 1872-79; was geographer of the censuses of 1880, '90, and 1900, and of the U. S. Geological Survey after 1882, through his life; author of many reports on geography and statistics.

CHARLES BENAJAH GILBERT, elected a life member March 10, 1890, was born in Wilton, Conn., March 9, 1855; died in New York City, August 27, 1913. He was graduated from Williams College, 1876; came to Minnesota in 1878, and taught in Mankato and Winona; settled in St. Paul in 1883; was principal of the high school six years, and superintendent of the city schools, 1889-96; removed to Rochester, N. Y., and later to New York City; author and editor of many educational books.

JOSEPH ALEXANDER GILFILLAN, elected a life member March 8, 1897, was born near Londonderry, Ireland, October 23, 1838; died in New York City, November 20, 1913. He came to Minnesota in 1857; studied at the General Theological Seminary, New York, 1865-9; was Episcopal rector in Duluth and Brainerd, and later was missionary to the Ojibway Indians in northern Minnesota, 1873-98; removed to Washington, D. C.; author of "The Ojibway, a Novel of Indian Life," 457 pages, 1904.

EARLE S. GOODRICH was born in Genesee county, N. Y., July 27, 1827; and died in St. Paul, September 6, 1913. He studied law, and learned the printer's trade; came to Minnesota in 1854, settling in St. Paul; purchased *The Pioneer*, and in May, 1854, began its issue as the first daily newspaper of Minnesota Territory; was commissioned as a captain in the Civil War; later was manager of the St. Paul Gas Company, and engaged in railroad construction. He was elected to this Historical Society on January 15, 1856; was a member of its Council from March 21, 1856, to February 16, 1864, and again from January 20, 1879, to November 11, 1889.

HALSEY R. W. HALL, elected a life member March 9, 1903, was born in Hudson, Ohio, August 3, 1834; died in Minneapolis, July 17, 1913. He engaged in newspaper work throughout his life, being in Ohio until 1882, except the year 1870 in St. Paul. After 1882 he resided in this city, but in 1905 removed to Minneapolis. In 1902 he presented to this Society 90 bound volumes of newspapers, 1850-80, which had been published by his father and himself in Ravenna, Ohio.



OSEE MATSON HALL, elected a life member April 13, 1908, was born in Conneaut, Ohio, September 10, 1847; died in St. Paul, November 26, 1914. He settled in Red Wing, Minn., in 1868; was admitted to practice law in 1872; was a state senator, 1885; representative in Congress, 1891-5; member of the Minnesota Tax Commission from 1907 until his death.

HERBERT LESLIE HAYDEN, elected to membership November 13, 1911, was born in Onondaga county, N. Y., March 23, 1850; and died in Madison, Minn., November 20, 1911. He came to Minnesota in 1875; settled in Lac qui Parle in 1878; was admitted to practice law, 1881; removed to Madison, 1884, and was secretary and treasurer of the townsite company; was county attorney of Lac qui Parle county, 1891-2 and 1895-6.

HENRY WILLIAMSON HAYNES, elected to honorary membership February 8, 1897, was born in Bangor, Maine, September 20, 1831; was graduated at Harvard University, 1851; practiced law, and afterward was professor in the University of Vermont, 1867-72; later was an explorer and writer in archaeology, and resided in Boston, Mass., where he died February 16, 1912.

ISAAC V. D. HEARD, elected a life member October 14, 1889, was born in Goshen, N. Y., August 31, 1834, and died there on June 17, 1913. He came to St. Paul in 1851, and resided here forty-three years; studied law, and was city attorney, 1856 and 1865-7, and county attorney, 1857-63; was a state senator in 1871; removed east, on account of ill health, in 1894. He served in a cavalry company during the Sioux war, 1862, and was judge advocate at the trial of 303 Sioux prisoners; author of "History of the Sioux War and Massacres of 1862 and 1863," 354 pages, 1863.

REV. J. C. HERDMAN, of Calgary, Alberta, was elected a corresponding member January 13, 1902; was superintendent of Presbyterian Home Missions, and a vice president of the Western Canada Historical Society; died June 7, 1910.

SHELDON JACKSON, elected a corresponding member February 8, 1897, was born in Minaville, N. Y., May 18, 1834; died in Asheville, N. C., May 2, 1909. He was graduated from Union University, 1855, and Princeton Theological Seminary, 1858; was pastor in Minnesota at La Crescent, 1859-64, and Rochester, 1864-69; went to Alaska in 1877, as the first Presbyterian missionary there. In 1891-92 he introduced domestic reindeer into Alaska, 171 reindeer being imported in 1892 from Siberia. By further importations and the natural increase, the herd had grown in 1905 to 10,241 in number. He was the author of many published reports on education, missions, and economic conditions in Alaska.

EDWIN AMES JAGGARD, elected a life member January 9, 1911, was born in Altoona, Pa., June 21, 1859; died in Hamilton, Bermuda, February 13, 1911. He was graduated at Dickinson College, 1879, and in law at the University of Pennsylvania, 1882; settled at St. Paul in 1882; was a member of the law faculty of the University of Minnesota after 1891; was judge in the Second judicial district, 1899-1904, and associate justice of the Supreme Court from 1905 until his death; was author of several text books on law.

DANIEL S. B. JOHNSTON, elected an annual member February 8, 1897, was born in South Bainbridge, N. Y., May 17, 1832; died at his home in St. Paul, November 17, 1914. He came to Minnesota in 1855; settled in St. Anthony, and engaged in teaching and newspaper publication; resided in St. Paul after 1864, conducting loan and real estate business; was donor of the site of the Young Women's Christian Association building in this city, 1907. He was author of "Minnesota Journalism in the Territorial Period," this Society's Collections, vol. X, 1905, pages 247-351, with his portrait; the continuation of this subject to 1865, vol. XII, 1908, pages 183-262; and a paper in the preceding pages 411-434 of this volume.

WILLIAM HARRIS LAIRD, elected a life member January 11, 1904, was born in Union county, Pa., February 24, 1833; died

at a hospital in Baltimore, Md., February 5, 1910. He came to Minnesota in 1855, settling in Winona, and in the firm of Laird, Norton and Co., formed in 1856, engaged extensively in lumbering and lumber manufacturing. He was donor of the Public Library building in Winona, and president of the trustees of Carleton College.

JOSEPH LOCKEY, elected to annual membership December 11, 1899, was born in Yorkshire, England, January 1, 1836; died in St. Paul, March 4, 1909. He came with his parents to the United States when six years old; settled in Minnesota in 1860 as a merchant at Lake City; served in the Sixth Minnesota regiment during the Sioux war, 1862-3; was U. S. deputy commissioner of pensions, 1870-6; national bank examiner, 1876-83; cashier and later president of the National German American Bank of St. Paul, 1883-1903; president of the American National Bank after 1903.

THOMAS LOWRY, elected a life member November 13, 1882, was born in Logan county, Ill., February 27, 1843; died in Minneapolis, February 4, 1909. He was admitted to the bar in 1867, and the same year came to Minnesota, settling in Minneapolis, where he practiced law and dealt in real estate; was president and principal stockowner of the company operating the street railways of Minneapolis and St. Paul, called the Twin City Rapid Transit Company; author of "Personal Reminiscences of Abraham Lincoln," privately printed, 32 pages, 1910.

ALFRED THAYER MAHAN, elected an honorary member January 9, 1911, was born in West Point, N. Y., September 27, 1840; died in Washington, D. C., December 1, 1914. He was graduated at the U. S. Naval Academy, 1859; served in the U. S. Navy, 1856-96, rising to the rank of captain in 1885; retired in 1896, and later resided in or near New York City; was advanced to the rank of rear admiral in 1906; author of many historical and biographic works, chiefly on naval defence and warfare.

ROBERT LAIRD McCORMICK, elected an honorary member January 13, 1902, was born near Lockhaven, Pa., October 29, 1847; died in Sacramento, Cal., February 5, 1911. He was connected with the Laird-Norton Lumber Co., of Winona, Minn., 1868-74; removed to Waseca; was a state senator, 1881; later was manager of the North Wisconsin Lumber Co., residing at Hayward, Wis.; was president of the Wisconsin Historical Society; removed to Tacoma, Wash., in 1900, and was secretary of the Weyerhaeuser Lumber Co. He went to California, seeking health, a few weeks before his death.

CHARLES JAIRUS MARTIN, elected to life membership September 10, 1900, was born in Clarendon, N. Y., April 1, 1842; died June 15, 1910. He served in the 40th Wisconsin regiment in the Civil War; came to Minnesota in 1874, settling at Minneapolis as a partner of C. C. Washburn in flour milling; was secretary and treasurer of the Washburn-Crosby Co. from its incorporation in 1888.

GEORGE WASHINGTON MARTIN, elected to corresponding membership February 12, 1906, was born in Hollidaysburg, Pa., June 30, 1841; died in Topeka, Kansas, March 27, 1914. He learned the printer's trade, and began in that business at Junction City, Kansas, in 1862; was register of the U. S. Land Office there, 1865-6 and 1869-70; was state printer, 1873-81; was secretary of the Kansas Historical Society, residing in Topeka, after 1899.

Secretary Martin will be long remembered with gratitude and honor by the people of Kansas, for his work as an editor, for his many contributions to the history of the state, and for his successful efforts, with others, in providing the new Memorial Building, at a cost of about \$500,000, in which are housed the Historical Library, the state archives, and files of all the state newspapers.

WILLIAM WORRALL MAYO, elected a life member September 11, 1905, was born in Manchester, England, May 31, 1819; died in Rochester, Minn., March 6, 1911. He was graduated in med-

icine at the University of Missouri, 1854; came to Minnesota in 1854, and settled at St. Paul; removed in 1858 to Le Sueur county; was surgeon at New Ulm in the Indian war, 1862; later resided in Rochester, and in 1889 founded St. Mary's Hospital; was a state senator, 1891-3.

FRANCIS DAVIS MILLET, artist, elected a corresponding member April 8, 1907, was born in Mattapoisett, Mass., November 3, 1846; died in the sinking of the steamship "Titanic," North Atlantic ocean, April 15, 1912. He was graduated at Harvard University, 1869; studied at the Royal Academy of Fine Arts, Antwerp, 1871-2; was the painter, in 1905-07, of two large paintings in the governor's reception room of the capitol, "The Treaty of Traverse des Sioux," and "The Fourth Minnesota Regiment entering Vicksburg."

WILLIAM A. MORIN, elected to annual membership February 10, 1908, was born in Albert Lea, Minn., July 29, 1864; died May 22, 1912. He was graduated at Pillsbury Academy, Owatonna, 1884; engaged in real estate business, residing in Albert Lea, and was prominent in securing railroads and public buildings for that town.

CLINTON MORRISON, elected a life member January 13, 1908, was born in Livermore, Maine, January 21, 1842; died in Minneapolis, March 11, 1913. He came to Minnesota in 1854 with his parents, and resided in Minneapolis; engaged in mercantile, lumber and banking enterprises; was vice president and manager of the Minneapolis Harvester Works; was president of the Farmers' and Mechanics' Savings Bank, 1876-1905; donor, in 1911, of the former homestead of his father, Dorilus Morrison, comprising ten acres, as the site of the Minneapolis Institute of Arts.

JOHN MUIR, elected to honorary membership January 12, 1914, was born in Dunbar, Scotland, April 21, 1838; died in Los Angeles, California, December 24, 1914. He came in boyhood to the United States with his parents, who settled on a frontier farm in Wisconsin; studied at the University of Wis-



consin; traveled extensively in the Pacific states, Alaska, and foreign lands; resided during his latest years in Martinez, Cal.; author of books and many magazine articles, treating of natural history, scenery, forest preservation, and the establishment of national parks.

MARCUS PHILIP NICHOLS, elected an annual member December 12, 1910, was born at Mt. Carmel, Ill., May 28, 1836; died in St. Paul, October 7, 1911. He came to Minnesota with his parents in 1851, and ever afterward resided in this city; was much interested in Congregational home missionary work.

JOHN D. O'BRIEN was born in Dublin, Ireland, in 1851; died at Fort Snelling, April 27, 1913. He came to Minnesota with his father, Dillon O'Brien, in 1863, and resided in St. Paul after 1865; was admitted to the bar in 1873, and practiced law; was elected a life member of this Society September 14, 1903, and was a member of its council from April 11, 1904, until his death.

GEORGE WRIGHT PEAVEY, elected to life membership September 8, 1902, was born in Sioux City, Iowa, May 20, 1877; died in Minneapolis, June 8, 1913. He studied at Yale University; was president of the Peavey Elevator Company, which his father founded, 1902-07; later traveled extensively in the Old World.

CURTIS HUSSEY PETTIT, elected a life member November 11, 1907, was born in Hanover, Ohio, September 18, 1833; died in Minneapolis May 11, 1914. He came to Minnesota in 1855, settling in Minneapolis; was interested in the manufacture of lumber and flour, and in other large business enterprises; was a state senator in 1866 and 1868-71, and a representative in the legislature in 1874-6 and 1887.

DAVID RAMALEY, elected to annual membership January 12, 1914, was born in Pittsburg, Pa., August 9, 1828; died at his home in St. Paul, August 21, 1914. He settled in this city in 1856; opened the first job printing office there, 1862; was founder, with Harlan P. Hall, of the St. Paul Dispatch, February 29, 1868.

HENRY CLAY RANNEY, elected a corresponding member December 9, 1895, was born in Freedom, Ohio, June 1, 1829; died October 7, 1913. He was admitted to practice law in 1852; served in the civil war; settled in Cleveland, Ohio, and was prominent in railway management and banking; was a trustee of the Western Reserve Historical Society, and president of the Cleveland Museum of Art.

LEONARD AUGUST ROSING, elected a life member December 12, 1904, was born in Malmo, Sweden, August 29, 1861; died in St. Paul, April 14, 1909. He came to Goodhue county, Minnesota, with his parents, in 1869; engaged in mercantile business at Cannon Falls, 1881-98; was private secretary of Governor Lind, 1899-1901; Democratic candidate for Governor, 1902; member of the State Board of Control, 1905-09, residing in St. Paul.

THEODORE LEOPOLD SCHURMEIER, elected a life member January 13, 1902, was born in St. Louis, Mo., March 14, 1852; died in Richmond, Va., June 2, 1914. He came with his parents to St. Paul when only two years old; was a member of one of the largest mercantile firms in the city, and had many other financial interests.

DOLSON BUSH SEARLE, elected a life member June 11, 1883, was born in Allegany, N. Y., June 4, 1841; died in St. Cloud, Minn., December 12, 1909. He served in the civil war; was graduated at the Columbia Law College, Washington, D. C., 1868; settled in St. Cloud, Minn., 1871; was city attorney six years, county attorney two years, and U. S. district attorney, 1882-85; was judge of the seventh judicial district, 1887-1907.

TIMOTHY J. SHEEHAN, elected to annual membership April 11, 1898, was born in County Cork, Ireland, December 21, 1835; died at his home in St. Paul, July 11, 1913. He came to the United States in 1850, and to Minnesota in 1856, settling at Albert Lea; served in the Fourth Minnesota regiment, 1861-5; received a captain's commission for his gallant defence of Fort Ridgely during the Sioux outbreak in 1862, and was brevetted lieutenant colonel in 1865; was sheriff of Freeborn county,

1871-83, and Indian agent at White Earth, 1885-9; was deputy U. S. Marshal, 1890-1907, residing in St. Paul.

THOMAS HENRY SHEVLIN, elected to life membership October 8, 1906, was born in Albany, N. Y., January 3, 1852; died in Pasadena, Cal., January 15, 1912. He came to Minnesota in 1886, settling in Minneapolis; was president of several logging and lumber manufacturing companies; donor of the Alice A. Shevlin Hall, University of Minnesota, built in 1906.

GOLDWIN SMITH, elected an honorary member February 8, 1897, was born in Reading, England, August 13, 1823; died in Toronto, Canada, June 7, 1910. He was graduated at Oxford University, 1845; was professor of modern history in that University, 1858-66; removed to the United States in 1867; was professor of English and constitutional history in Cornell University, 1868-71; later was a non-resident professor there, residing in Toronto; author of many historical works.

ROBERT ARMSTRONG SMITH, banker, elected to life membership December 11, 1882, was born in Boonville, Ind., June 13, 1827; died in St. Paul, February 12, 1913. He was graduated in law at the University of Indiana, 1850; came to Minnesota in 1853, settling in St. Paul; was Territorial librarian, 1853-8; treasurer of Ramsey county, 1856-68; a representative in the legislature in 1885, and a state senator in 1887-9; mayor of St. Paul, 1888-92, 1894-96, and 1900-08; and postmaster, 1896-1900.

TRUMAN M. SMITH, elected a life member January 15, 1856, was born in Danby, Vt., June 19, 1825; died in St. Paul, September 18, 1909. He settled in St. Paul in 1851; owned a private bank, and afterwards was a commission merchant; removed to San Diego, Cal., in 1887; returned to St. Paul a few weeks before his death.

SAMUEL C. STAPLES, elected to annual membership November 8, 1909, was born in Newfield, Maine, September 11, 1831; died in St. Paul, September 29, 1911. He came to Minnesota in 1852, and the next year he settled on a farm claim on the Dodd road close southwest of St. Paul, which was ever afterward his home; was a builder and contractor.

H. WARD STONE, banker, elected a life member April 10, 1905, was born in Wisconsin in 1849; died in Minneapolis, April 7, 1913. He settled in Minnesota in 1870; was receiver of the U. S. land office at Benson eight years, and later engaged in banking there; was a representative in the legislature in 1897, and a state senator, 1903-05; removed to Minneapolis, 1910.

REUBEN GOLD THWAITES, elected a corresponding member February 8, 1897, was born in Dorchester, Mass., May 15, 1853; was educated in public schools there; studied at Yale University, 1874-5; was managing editor of the Wisconsin State Journal, Madison, 1876-86; secretary and superintendent of the State Historical Society of Wisconsin, after 1886; author of many books on the history of Wisconsin and the West; editor of many important historical books and reprints, including the Jesuit Relations, 73 volumes, 1896-1901, Early Western Travels, 32 volumes, 1904-07, and the Original Journals of Lewis and Clark, 8 volumes, 1905. He died in Madison, Wis., October 22, 1913.

Three times Thwaites and his wife made very interesting journeys, of which he wrote three books: "Historic Waterways; Six Hundred Miles of Canoeing down the Rock, Fox, and Wisconsin Rivers," journeys in 1887, published the next year; "Our Cycling Tour in England," travel in 1891, published in 1892; and "Afloat on the Ohio; a Historical Pilgrimage of a Thousand Miles in a Skiff, from Redstone to Cairo," a journey in May and June, 1894, published in 1897, and reprinted in 1900 and 1903.

Secretary Thwaites was the worthy successor of Secretary Draper, who was the great collector of manuscript materials for western history. In a memorial volume (94 pages, 1914), Professor Frederick J. Turner says of Dr. Thwaites: "Short in stature, but with a compelling personality, his cheery, winning spirit shining out behind his twinkling eyes, always ready with a joke or a story that impressed a point upon his hearers; alert, decisive, receptive, helpful, a man of honor and of character, active in the Unitarian Church and trusted by the Catholic clergy; an author whose style was graphic, lively, and so care-

fully disciplined that it concealed the care with which he worked out each sentence; a writer with imagination, a conscientious scholar, and a man of affairs, Dr. Thwaites combined in himself most unusual qualities. . . . Draper was the founder; Thwaites was the great historical editor and modernizer, the builder of a new type of state historical society."

Through the enthusiasm, genius, and industry of these expert workers in western American history, Wisconsin has built up the foremost western historical society, library, portrait collection, and museum. Her noble and beautiful historical library building was erected in the middle years of the long service, more than a quarter of a century, of Dr. Thwaites as secretary and superintendent. It marks a new era in the collection, preservation, and publication of history.

JAMES BEACH WAKEFIELD, elected to life membership September 10, 1894, was born in Winsted, Conn., March 21, 1825; and died at his home in Blue Earth, Minn., August 26, 1910. He was graduated at Trinity College, Hartford, Conn., 1846; was admitted to practice law, 1851; came to Minnesota in 1854, and settled two years later at Blue Earth; was a representative in the legislature in 1858, 1863, and 1866, being speaker the last year; was a state senator, 1867-9; lieutenant governor, 1876-80; and a member of Congress, 1883-7. In 1899 he presented the greater part of his library to this Historical Society, a gift of 1,100 volumes, the largest private gift ever received by its Library.

GEORGE WELSH, elected an annual member February 10, 1908, was born in Ontario, Canada, in 1863; died in St. Paul, November 29, 1911. He came to Minnesota, settling in Morton, and engaged in real estate business; was state immigration commissioner after 1907.

MILO WHITE, elected a life member December 8, 1884, was born in Fletcher, Vt., August 17, 1830; died in Chatfield, Minn., May 18, 1913. He came to Minnesota in 1855; settled in Chatfield, and engaged in mercantile business; was a state senator, 1872-6, and 1881-2; and a representative in Congress, 1883-7.



ORIC OGILVIE WHITED, elected a life member March 11, 1912, was born in Fitchville, Ohio, January 20, 1854; died in Minneapolis, August 6, 1912. He was graduated at the State Normal School, Winona, Minn., 1872; taught several years in Olmsted county, and later was the county superintendent of schools; was admitted to practice law, 1884; settled in Minneapolis in 1890, and engaged in real estate business and law practice.

WILLIAM CHAPMAN WILLISTON was born in Cheraw, S. C., June 22, 1830; came with his parents to Ohio in 1834, and there attended the public schools and in 1854 was admitted to the bar; removed to Minnesota in 1857, settling in Red Wing, which was ever afterward his home; served as captain in the Seventh Minnesota regiment in the Sioux war and the civil war, 1862-5; returned to Red Wing and to his law practice; was a representative in the legislature, 1873-4, and a state senator, 1876-7; was judge in the First judicial district from 1891 through his life. Judge Williston was elected to life membership in this Society January 12, 1903; and was a member of its council after March 12, 1906. He died very suddenly June 22, 1909, at Goodhue, Minn., while attending a meeting of the Old Settlers' Association of Goodhue county.

THOMAS WILSON, elected a life member October 13, 1902, was born in Tyrone county, Ireland, May 16, 1827; died in St. Paul, April 3, 1910. He came to the United States when twelve years old; was graduated at Alleghany College, 1852; was admitted to practice law, 1855, at Meadville, Pa.; came to Minnesota the same year, settling at Winona; was a member of the constitutional convention, 1857; was judge of the Third judicial district, 1858-64; was associate justice of the Minnesota Supreme Court in 1864, and its chief justice, 1865-69; was a representative in the legislature, 1881; a state senator, 1883-5; and a representative in Congress, 1887-9; removed to St. Paul in 1892, and until his death was general counsel of the Chicago, St. Paul, Minneapolis and Omaha railway company.

# INDEX.

See the CONTENTS, at the beginning of this volume, for a comprehensive view of its series of Papers and Addresses, and for the order of the subjects treated in the several papers.

- Able, Captain Daniel, 529, 530.
- Aborigines of Minnesota, 824, 828.
- Academy of Music, Minneapolis, 511.
- Acta et Dicta, Preface, 285, 791.
- Acton, Minn., beginning of the Sioux Massacre, 349-355; battles, 355-366.
- Adam of Bremen, 230, 231.
- Adams, Col. Samuel E., 162; obituary sketch, 831.
- Addison, Mrs. Caroline H., 601.
- Address at the Unveiling of the Statue of General Shields, by Archbishop John Ireland, 731-740.
- Addresses on the Presentation of the Portrait of Professor Jabez Brooks, 741-748.
- Afton, Minn., 375.
- Agassiz, Glacial Lake, 827.
- Agricultural College lands, 301, 302, 306.
- Agricultural societies, 70-73, 79.
- Agriculture, College and School of, 774-5.
- Aird, James, 371.
- Aird, Margaret, 371, 372.
- Akeley, Healy C., 472, 474-8.
- Akeley, Minn., 477, 478.
- Alaska, reindeer, 839.
- Aldrich, Hon. Cyrus, 489, 494, 690, 815.
- Allen, Charles E., obituary note, 831.
- Allouez bay, lake Superior, 385.
- Amendments of state constitution, 203, 212, 214, 308, 309.
- American Fur Company, 372, 394.
- American Geologist, 826.
- American House, St. Paul, 523, 524, 526.
- Ames, Dr. Alfred E., 480, 487, 507.
- Ames, Rev. Charles G., obituary sketch, 831.
- Ames, Charles W., 752.
- Ames, Michael E. 815.
- Ames, Oliver, 337.
- Ames, William L., 348.
- Anderson, Andrew, 278-280, 285.
- Anderson, Arthur C., obituary sketch, 831.
- Anderson, Dr. C. L., 504.
- Anderson, Jane, 372.
- Anderson, Prof. Rasmus B., 256, 277, 278, 280, 283, 285.
- Anderson, Captain Thomas, 372.
- Andrews, Gen. C. C., 553, 555, 556, 575.
- Annandale, Minn., 367.
- Anoka, 53, 54, 101, 219, 553, 554.
- Anthony Wayne, steamer, 529, 530.
- Anti-Monopolist, newspaper, 155, 162, 176.
- Anti-monopoly party, 126-129, 133, 134, 136, 141, 142, 152, 158, 160, 169.
- Appleby, Mrs. Cornelia D. W., 549.
- Apostle islands, 390.
- Areas, Minneapolis park system, 605; St. Paul park system, 630.
- Arbitration, for publishers and printers, 703-706.
- Archaeology, 795, 796, 824, 827, 828, 832, 838.
- Armstrong, Hon. Augustus, 560.
- Armstrong, Hon. and Mrs. George W., 549.
- Armstrong, J. D., 706.
- Armstrong, John, 462.
- Armstrong, Hon. Thomas H., 569.
- Art Museum, Minneapolis, 767, 769, 842.
- Associated Press, 702.

- Athenaeum, Minneapolis, 494, 504, 511.  
 Atkinson, F. G., 771.  
 Atkinson, J. B., 354.  
 Atwater, Judge Isaac, 487, 488.  
 Austin, Gov. Horace, 43, 86, 87, 95, 96, 99, 101, 111, 114, 136, 148, 175, 206, 207, 326, 446, 557, 558, 560, 561, 563, 564, 566-8, 571, 695, 696.  
 Avenues and streets, Minneapolis, names, 513, 514.  
 Averill, Gen. John T., 91, 557, 558, 582, 597.  
 Ayers, Dr. Otis, 326, 327-329.
- Bailey, Everett H., 812; Biographic memorial of Hon. Channing Seabury, 802-804; Memorial of Henry P. Upham, 810-811.  
 Baker, Mrs. Ann, 350.  
 Baker, Daniel A. J., 551; obituary sketch, 832.  
 Baker, Hon. Edward D., 715.  
 Baker, Howard, 350-354, 358, 360, 363.  
 Baker, Gen. James H., 481, 577-8, 778, 814, 830; Biographic memorials, 753-7.  
 Balcombe, Hon. St. A. D., 815.  
 Bald Eagle, Sioux, 361.  
 Bandelier, Adolph F. A., obituary sketch, 832.  
 Banfil, John, 525.  
 Banking, St. Paul, 807, 812.  
 Banks, Gen. Nathaniel P., 723.  
 Bannack, Montana, 633, 634, 635.  
 Banning, William L., 464, 493, 570, 617, 619, 693.  
 Barclay, Anthony, British commissioner, 380, 383, 385, 388.  
 Barker, Hon. Henry F., 587.  
 Barrett, Gen. Theodore H., 428, 430-433.  
 Barto, Hon. Alphonso, 559.  
 Barton, Hon. Ara, 565.  
 Bass, Jacob W., 519.  
 Bass, Mrs. Jacob W., 539-540.  
 Bassett, Joel B., 506.  
 Batchelder, Hon. George W., obituary sketch, 832.  
 Batchellor, Albert S., obituary sketch, 832.  
 Bausman, A. L., 504.  
 Baxter, Hon. Luther L., 559, 560.
- Beard, Henry B., 602.  
 Becker, Hon. George L., 218, 693, 815.  
 Beecher, Catherine, 532.  
 Beeman, Hon. Samuel S., 555, 559.  
 Beginning of Railroad Building in Minnesota, by John H. Randall, 215-220.  
 Belanger island, 374.  
 Bell, David C., 509.  
 Bell, James S., 771.  
 Bell, John E., 509; obituary sketch, 833.  
 Belle Plaine, Minn., 688, 689.  
 Benton, Hon. Thomas H., 717.  
 Benz, Hon. George, 559, 560.  
 Berkey, Captain Peter, obituary sketch, 833.  
 Berry, Hon. John M., 759.  
 Berry, William M., 608.  
 Bibliography, railroad legislation, 183-188; Kensington Rune Stone, 281-286; northern boundary of Minnesota, 390-392.  
 Bierbauer, Captain William, 326.  
 Big Eagle, Sioux chief, 351.  
 Big Thunder, Sioux, 373.  
 Big Woods, 220, 350, 351.  
 Bigelow, Charles H., obituary sketch, 833.  
 Bigelow, Horace E., 807.  
 Biographic Memorial of Dr. Charles N. Hewitt, by Prof. William W. Folwell, 669-686.  
 Biographic Memorial of Frederick Driscoll, by Captain Henry A. Castle, 687-710.  
 Birch Coulie, 358, 359, 361, 365.  
 Bishop, Harriet E., 520, 531, 532, 621.  
 Bishop, Gen. Judson W., 465, 721.  
 Bissell, William A., 374, 375, 376.  
 Bixby, Hon. Tams, 584.  
 Black Dog, Sioux, 366, 371, 373.  
 Black Hills, 825.  
 Blackbirds, 438.  
 Blackman, Clara W. A., obituary sketch, 833.  
 Blackwell, John, 353.  
 Blaine, Hon. James G., 573, 574, 575, 584, 585, 586, 663.  
 Blake, John D., 109, 128, 137, 141.  
 Blake, Hon. John W., 559.  
 Blakeley, Hon. David, 701.  
 Blakeley, Captain Russell, 392, 571, 786.

- Blizzards, 415, 416, 426, 551-2.  
 Blue Earth county, 436-8, 443, 449.  
 Blue Earth river, 436, 438, 449.  
 Bluff City, Kansas, park, 599.  
 Bogy, Hon. Lewis V., 726, 733.  
 Bois des Sioux river, 412, 419-422, 431.  
 Bolles, Lemuel, 375.  
 Bonds issued by the state for railroads, 32, 35-49, 195-214, 305, 578.  
 Borup, Dr. Charles W. W., 542.  
 Borup and Oakes, 484.  
 Bothne, Prof. Gisle, 256, 268, 286.  
 Bottineau, Pierre and Charles, 411-416, 417, 418, 420-423.  
 Bottineau prairie, 505.  
 Boulevards, Minneapolis and St. Paul, 604, 605, 622-630.  
 Boundary Surveys, Northern Minnesota, in 1822 to 1826, under the Treaty of Ghent, by Hon. William E. Culkin, 379-392.  
 Bovey, Charles C., and William H., 771, 773.  
 Bowman, George D., 487, 488.  
 Boyhood Remembrances of Life among the Dakotas and the Massacre in 1862, by John Ames Humphrey, 337-348.  
 Bozeman, John M., 643.  
 Bozeman pass, Montana, 642.  
 Brackett, George A., 571, 572.  
 Braden, Hon. William W., 297, 298.  
 Bradley, Newton, 690.  
 Brainerd and Northern railway, 477.  
 Bramwood, J. W., 704.  
 Branham, Jesse V., Jr., 359, 360, 361, 362, 366.  
 Breck, Rev. James Lloyd, 526, 536.  
 Breckenridge, Minn., 220, 419, 421, 422, 428, 431, 432, 433, 434.  
 Breckinridge, Hon. John C., 717, 736.  
 Breda, Prof. O. J., 225, 242, 244, 256, 281, 284.  
 Breed, Rev. David R., 693; Memorial of Nathaniel P. Langford, 780-782.  
 Breese, Hon. Sidney, 717.  
 Bremer, Fredrika, 532-3.  
 Bridger, James, guide, 639.  
 Brill, Hon. Hascal R., 559, 561; Address on the Presentation of the portrait of Professor Jabez Brooks, 741-3.  
 Bridge, first, in Minneapolis, 501; second, 512.  
 Broad, E., 512.  
 Bromley, Edward A., 364, 365, 497.  
 Brookline, Mass., parkway, 606.  
 Brooklyn, N. Y., lecture by General Shields, 727.  
 Brooks, Rev. Cyrus, 744.  
 Brooks, Rev. David, 745.  
 Brooks, Professor Jabez, Addresses on the Presentation of his Portrait, 741-748.  
 Brott, George F., 411, 433, 434.  
 Brower, Hon. J. V., 320, 392, 559, 828.  
 Brown, Ed., 467.  
 Brown, Hon. J. B., 689.  
 Brown, John W., 373.  
 Brown, Hon. Joseph R., 197, 372, 377, 480.  
 Brown, Hon. William, 168.  
 Brown's falls, 480.  
 Browning, Hon. Orville H., 715.  
 Brownsdale, Minn., 125.  
 Bryant, Julian C., obituary sketch, 833.  
 Buache, geographer, 389.  
 Buchanan, President James, 720.  
 Buckendorf, William, 507.  
 Buell, Major Salmon A., 326.  
 Buffalo hunting, 415-422, 428-430, 431, 451.  
 Bulger, James, 510.  
 Bull, B. S., 506.  
 Burbank, James C., 615, 693, 802.  
 Burlington Heights, near St. Paul, 630.  
 Burr, Judge W. T., 581.  
 Bushnell, W., 715.  
 Butler, Gen. Benjamin F., 725, 726.  
 Butler, Eloise, 604.  
 Butler, Dr. Levi, 466, 470, 471, 472, 564.  
 Butler, Nathan, 363, 795.  
 Byron, quoted, 649.  
 Calhoun, Hon. John C., 394, 717, 736.  
 Calhoun, Samuel, 615.  
 California, lumbering, 463, 474, 477; national parks, 666; admission to Union, 717, 718, 736.  
 Camden park, Minneapolis, 603.  
 Camp, Major George A., 471-473.  
 Canals, proposed, 149-151, 162, 173, 174.

- Canoe travel, 247, 248, 251, 320, 384, 385, 386, 432.
- Canyon, Yellowstone, 645, 646, 658, 659.
- Capehart, Augustus R., obituary sketch, 834.
- Capitol, 788; statue of General Shields, 729, 731-740; paintings in the governor's room, 842.
- Capitol Commission, 803, 804.
- Capitol grounds and Capitol Heights, St. Paul, 629, 836.
- Capitol, Old, 788.
- Cardinal, Peter, 322.
- Carle, Frank A., 701.
- Carleton College, 801.
- Carr, Jerome, 731.
- Carrollton, Mo., 724, 725, 728, 729, 733.
- Carter, Captain Theodore G., obituary sketch, 834.
- Carver, Hon. Henry L., 557.
- Carver, Captain Jonathan, 320, 624; quoted, 621.
- Case, George, 493.
- Case, James R., 378.
- Case, John H., Historical Notes of Grey Cloud Island and its Vicinity, 371-378.
- Cass, Hon. Lewis, 503, 717.
- Castle, Captain Henry A., Reminiscences of Minnesota Politics, 553-598; personal references, 553, 554, 557, 559, 560, 565, 571, 576, 584, 586, 587, 588, 589-598, 730; testimonial by Hon. R. J. Tracewell, 596; Biographic Memorial of Frederick Driscoll, 687-710; paper, General James Shields, Soldier, Orator, Statesman, 711-730.
- Cathcart, Alexander H., 527, 535, 536, 537.
- Cathcart, John, 551.
- Cathcart, Mrs. Rebecca Marshall, A Sheaf of Remembrances, 515-552.
- Catholic Historical Society, St. Paul, Preface, 285.
- Catlin, Dr. T. J., 338.
- Catlin, George, artist, 267.
- Cedar lake, Minneapolis, 603.
- Cedar Mills, 358, 362.
- Census of 1890, 699, 700, 836.
- Centerville, Minn., Early Dakota Trails and Settlements, by Albert M. Goodrich, 315-322.
- Central House, St. Paul, 524, 531.
- Central Park, St. Paul, 613.
- Chain lakes, Martin county, 449; Crow Wing river, 478.
- Chamberlain, Selah, 40, 44, 46, 47, 204, 206, 208, 210, 214, 216, 217, 578.
- Chanyaska lake, 448, 450.
- Chapman, Joseph, 771.
- Chapman, W. S., 462, 463.
- Chapultepec, Mexican War, 715, 716, 738.
- Charities, 768-773, 799, 808, 813.
- Charters, Territorial, of railroads, 5-29, 64.
- Chase, Hon. Salmon P., 717, 753.
- Chechegum, a Chippewa, 467, 468.
- Cheever, William A., 498.
- Cheever's landing, 533-4.
- Chengwatana, 465.
- Chequamegon, Wis., 317.
- Cherokee Heights, St. Paul, 626.
- Chicago Historical Society, 284.
- Chicago, Milwaukee, and St. Paul railroad company, 120, 129, 130, 153, 154, 310.
- Child, Hon. James E., obituary sketch, 834.
- Child, Hon. Simeon P., 559, 561; obituary sketch, 834.
- Chippewa Indians; see Ojibways.
- Chippewa scrip, 465.
- Chittenden, Gen. H. M., 658, 661, 662.
- Cholera epidemic, 1832, 517.
- Christian, George H., 488.
- Christiania, University, 285, 286.
- Churches, early, in St. Paul, 526, 534, 541.
- Civil War, 1861-65, 455, 484, 496, 505, 506, 507, 512, 535, 632, 670-672, 689, 694, 722-4, 728, 733, 738, 753, 757, 777, 778.
- Clagett, John R., 762.
- Clagett, Hon. William H., 661-665; letter to this Historical Society, 662-4.
- Clapp, Hon. Moses E., 584, 593.
- Clapp, Newel H., Memorial of Frederick Weyerhaeuser, 817-824.
- Clark, Hon. Charles H., 512, 559.
- Clark, Hon. Greenleaf, 577, 787.
- Clark, Joseph H., 505.



- Clark, Lieut. W. A., 362, 365.  
 Clarke, Francis B., obituary sketch, 835.  
 Clarke, Nehemiah P., 757.  
 Clarke, Hon Ziba B., 585, 586.  
 Clay, Henry, statesman, 717, 736, 756.  
 Clearwater, Minn., 358.  
 Clearwater river, northern Minn., 473.  
 Cleveland, President Grover, 591, 592, 805, 826.  
 Cleveland, Horace W. S., 608.  
 Clough, Gov. David M., 593, 684, 685.  
 Cobb, Rev. Daniel, 744.  
 Cochran, Thomas, 693.  
 Co-education, 801.  
 Coffin, Captain Samuel, 326.  
 Cogswell, Hon. Amos, 152, 169, 693, 815.  
 Coldberg, Lars, 222.  
 Cole, Hon. Gordon E., 693.  
 Coleman, Mr. and Mrs. Thomas W., 549.  
 Coleraine, Minn., 467.  
 Colfax, Hon. Schuyler, 814.  
 Coliseum, University of Minnesota, 513.  
 Collins, Hon. Loren W., 554, 596; Biographic memorial, by Hon. Colin F. Macdonald, 757-762; Memorial of David L. Kingsbury, 779-780.  
 Columbia Fur Company, 480.  
 Columbia Park, Minneapolis, 604.  
 Como Avenue Parkway and Boulevard, St. Paul, 625, 626.  
 Como Park, St. Paul, 614-619, 624, 625, 630.  
 Comstock, Hon. Solomon G., 591.  
 Conkling, J. C., 715.  
 Connecticut, railroad legislation, 105.  
 Conner, E. H., 501.  
 Connor's point, Superior, Wis., 385, 386.  
 Constitution, state, amendments, 203, 212, 214.  
 Constitutional Convention, 9, 184, 214, 292, 403, 801, 814, 815, 832, 848.  
 Control of railroads, attempted, 1861-1870, 81-70.  
 Cook, C. W., 640.  
 Cook, Mrs. John B., 546.  
 Cooke, Elbridge C., 771.  
 Cooke, Jay, 131.  
 Coolbaugh, Daniel M., 482, 487, 492.  
 Coolbaugh, Rev. Frank C., Reminiscences of the Early Days of Minnesota, 1851 to 1861, 479-496.  
 Cooley, Thomas M., quoted, 179, 186.  
 Cooper, Hon. David, 197.  
 Cooper, James Fenimore, 490.  
 Cornell, Hon. F. R. E., 558, 693.  
 Cornish, Hon. William D., 559.  
 Coteau des Prairies, 417.  
 Court House Square, St. Paul, 610.  
 Cowen, Gen. B. R., 667.  
 Cowper, quoted, 655.  
 Cox, Hon. E. St. Julien, 140, 333, 559, 560.  
 Crandall, Hon. Charles S., 141.  
 Crandall, James H., 365.  
 Crane, Eugene B., obituary sketch, 835.  
 Cranes, sandhill, 438.  
 Crary, Rev. Benjamin F., 744.  
 Cray, Hon. Lorin, Experiences in Southwestern Minnesota, 1859 to 1867, 435-454; Biographic memorial of Gen. James H. Baker, 753-4.  
 Credit Mobilier, 132.  
 Cretin, Bishop Joseph, 783, 791.  
 Crocker, William G., 771.  
 Crooks, Col. William, 217, 219, 335.  
 "Crooks, William," locomotive, 217, 508.  
 Crookston, Minn., 473.  
 Crosby, Hon. Francis M., Biographic memorial, by Edward C. Stringer, 762-4.  
 Crosby, Franklin M., 771.  
 Crosby, John, 766, 771, 773.  
 Crow Indians, 643.  
 Crow Wing river and chain of lakes, 477, 478.  
 Crows, 427.  
 Culkin, Hon. William E., Northern Minnesota Boundary Surveys in 1822 to 1826, under the Treaty of Ghent, 379-392.  
 Cummins, D. C., 121.  
 Cummins, Hiram, 370.  
 Curme, Prof. George O., 225, 242, 244, 256, 281.  
 Cushman, Charles M., 505, 509.  
 Custer, Gen. George A., 356, 359.

- Dakota Indians; see Sioux.
- Dakota Trails, Early, and Settlements at Centerville, Minn., by Albert M. Goodrich, 315-322.
- Dakotas, Boyhood Remembrances of Life among the, and the Massacre in 1862, by John Ames Humphrey, 337-348.
- Dalarne, Sweden, 266, 276, 286.
- Dalecarlian runic alphabet, 266, 275-277, 286.
- Dalrymple, Oliver, 693.
- Dance, Judge Walter B., 636.
- Daniels, Dr. Asa W., Reminiscences of the Little Crow Uprising, 323-336; quoted, 376.
- Daniels, Dr. Jared W., 325, 334.
- Dartmouth College decision, 63, 68, 69, 108, 151, 177-183.
- Daugherty, Hon. Frank B., obituary sketch, 835.
- Davidson, Col. James H., 701; Memorial of Prof. Newton H. Winchell, 830.
- Davidson, William F., 693, 802.
- Davis, Gov. Cushman K., 45, 126, 134, 138, 148, 166, 209, 554-5, 558, 560-571, 573, 576, 577, 580, 581, 582, 584-6, 588, 589, 591-5, 597, 693, 696, 805; eulogy by Captain Henry A. Castle, 595.
- Davis, Hon. Jefferson, 398, 717, 724, 736.
- Dawes, Hon. Henry L., 664.
- Dawson, William, 613.
- Day, Dr. and Mrs. David, 542-3, 570, 571, 696.
- Day, Hon. Frank A., 584, 585, 749.
- Dayton, Lyman, 464.
- Dayton's bluff, St. Paul, 520, 629.
- Dean, J., and Co., 471, 472.
- Dean, Joseph, 498.
- Dean, Hon. William B., 585, 586.
- Dean, William J., 706.
- Decker, Edward W., 771.
- Decorah Post, 243.
- De Graff, Andrew, 219.
- Delano, Hon. Francis R., 41, 205, 567.
- De Long, A. H., 354, 361-363, 366.
- Demortimer, E., 411.
- Denman, J. S., 124, 157.
- Desnoyer, Stephen, 482, 485.
- Devil's lake, N. D., 370.
- "Diamond Joe," steamer, 458.
- Diary of N. P. Langford, 641-2, 645-7, 649-651, 653-4, 657-9, 786.
- Dickinson, Hon. Daniel A., 760.
- Dickinson, Hon. Daniel S., 756.
- Dickson, Thomas H., obituary sketch, 835.
- Dieserud, Juul, 284, 285.
- Dillon, Hon. John F., 208.
- Dinehart, Hon. Clarence C., Biographic memorial, by Hon. Julius A. Schmahl, 764-5.
- Diphtheria, 676.
- Disraeli, quoted, 756.
- Doane, Lieut. Gustavus C., 632, 641, 646-8, 654.
- Dodd, Captain William B., 323, 325, 326, 330-332.
- Dodd road, 331, 845.
- Donaldson, Hon. Nicholas M., 721.
- Donations to the Library, 837, 847.
- Donnelly, Hon. Ignatius, 91, 95, 121-127, 136, 141, 142, 152, 153-163, 170, 186, 554, 555, 556, 557, 558, 570, 573, 693.
- Doughty, Hon. J. E., 170.
- Douglas, Hon. Stephen A., 396, 480, 713, 715, 717, 720, 733, 756.
- Douglass, Frederick, 560.
- Drainage, 311, 313.
- Drake, Hon. Elias F., 39, 142, 153, 217, 219, 565, 693, 786.
- Draper, Secretary Lyman C., 846, 847.
- Drew, Hon. Edward B., Preface.
- Driscoll, Hon. Frederick, 584; Biographic memorial, by Captain Henry A. Castle, 687-710.
- Driscoll, Walter J., 702, 707.
- Ducks, wild, 315, 319.
- Duel, proposed, Shields and Lincoln, 714, 735.
- Dugas, William, 620.
- Du Luth, Daniel Greyselton, 247.
- Duluth, Minn., 129, 150, 379, 381, 384, 389, 390, 391, 464, 465, 837.
- Duluth and Iron Range railroad company, 297, 309, 310.
- Dunn, Ed., 426.
- Dunn, Hon. Robert C., 597.
- Dunnell, Hon. Mark H., 88, 557, 558, 575-6, 579, 580-582, 597, 693.
- Dunwoody, William H., Biographic memorial, by President Cyrus Northrop, 765-773.
- Dunwoody Industrial Institute, 769-773.

- Dupre, Oliver, 322.  
 Durant, Captain Edward W., 559.  
 Durrett, Hon. Reuben T., obituary sketch, 835.  
 Du Toit, Hon. Frederick E., 559.  
 Dyke, Hon. Edwin W., 133, 134.
- Early Dakota Trails and Settlements at Centerville, Minn., by Albert M. Goodrich, 315-322.  
 Early Days in Minneapolis, by Dr. William E. Leonard, 497-514.  
 Eastman, Major Seth, 400-403.  
 Eastman, William W., 509.  
 Eberhart, Gov. A. O., 730.  
 Ecklund, A. M., 353.  
 Eddy, Hon. Frank M., 584.  
 Edgar, William C., quoted, 773.  
 Edgerton, Hon. Alonzo J., 18, 109, 153, 165, 184, 576, 578, 580.  
 Edgerton, Erastus S., 693.  
 Editorial Association, 554, 694.  
 Edwards, Lieutenant A. M., 328.  
 Edwards, Rev. Maurice D., Memorial of Rev. Edward C. Mitchell, 797-800.  
 Egan, Hon. James J., 168.  
 Elevators, grain, on-railroads, 68, 69, 94, 101, 146-148.  
 Elfelt brothers, 543, 544.  
 Elliot, Dr. Jacob S., donor of Elliot Park, Minneapolis, 602.  
 Elliott, Dr. A. F., 502.  
 Embarrass river, 381, 384, 385-7, 391.  
 Emmett, Judge Lafayette, 815.  
 Emmett, Mrs. Lafayette, 545, 550.  
 Engineer Brigade, Army of the Potomac, 671.  
 Episcopal missions and early churches, 526, 527.  
 Eskimo, 232, 233.  
 Espy, Major John, 586, 613.  
 Evans, Robert G., 584.  
 Evanson, Evan, 354, 363.  
 Everett, Hon. Edward, oration in St. Paul, 1861, 494, 496, 717.  
 Everett, Richmond P., obituary sketch, 835.  
 Everts, Truman C., 640, 651-654.  
 Evjen, John O., 256.  
 Experiences in Southern Minnesota, 1859 to 1867, by Hon. Lorin Cray, 435-454.  
 Explosion of flour mills, 512.  
 Exposition, Chicago, 1893, 511.
- Fairchild, Frank, 559.  
 Fairchild, Henry S., Memorial of Nathaniel P. Langford, 783-6; of Hon. William P. Murray, 800-802; obituary sketch, 836.  
 Fairmont, Minn., fort, 448, 449, 450, 451.  
 Fairs, first State, 503; of Hon. William S. King, 511, 512.  
 Falls of St. Anthony, recession, 827.  
 Fargo, N. D., 433.  
 Faribault, Minn., 134, 719, 721, 732, 739, 832.  
 Farmers' Institutes, 775.  
 Farmers' Mutual Fire Insurance Association, 76, 156.  
 Farmers' Union, agricultural journal, 76, 77, 117, 122, 135, 156.  
 Fernald, Prof. M. L., 231, 249.  
 Ferry at Minneapolis, 481.  
 Fessenden, Hon. William P., 717.  
 Finch, George R., obituary sketch, 836.  
 Fischer, Joseph, 230, 232.  
 Fish, Dakota county, 374; Red river, 432.  
 Fisher, J. W., 615, 619.  
 Fisher, Louis E., 701.  
 Fisk, Captain James L., expedition in 1862, 632, 633.  
 Five Million Loan, The, by Prof. William W. Folwell, 189-214, 578.  
 Flaaten, Nils O., 221.  
 Flandrau, Hon. Charles E., 198, 325, 326, 328, 329, 330, 333, 693, 815.  
 Flatey book, 231, 232.  
 Fletcher, Hon. Loren, 507, 559, 560, 587.  
 Flom, Prof. George T., on the Kensington Rune Stone, 224, 241, 247, 256, 270-277, 278, 280, 281, 283, 285, 286.  
 Flour exportation to Europe, 766, 817.  
 Flour production, Minneapolis, 500, 766; explosion of mills, 1878, 512.  
 Flower, Gen. Mark D., 566, 567, 571, 585, 586.  
 Floyd, Hon. John B., 399, 403, 404, 406, 409, 410.  
 Fogelblad, Sven, 238, 239, 241, 248, 249, 277-280, 285.  
 Folsom, Hon. David E., 640, 659, 660, 664, 665.

- Folwell, Prof. William W., 43, 186, 365, 499, 825; The Five Million Loan, 189-214; The Sale of Fort Snelling, 1857, 393-410; note on the Park System of Minneapolis, 607-8; Biographic Memorial of Dr. Charles N. Hewitt, 669-686; Address on the Presentation of the Portrait of Professor Jabez Brooks, 746-8; Memorial of Prof. Newton H. Winchell, 829.
- Fond du Lac, Minn., 385, 386.
- Ford, John A., 375.
- Forest City, 353, 355, 358, 359, 361, 365.
- Forest lake, 319.
- Forestry, 313, 775-6, 843.
- Forsyth, Major Thomas, 394.
- Fort Abercrombie, 361, 408, 428, 450.
- Fort Dearborn, Chicago, 405.
- Fort Ridgely, 323, 327, 342, 347, 365, 408, 844.
- Fort Ripley, 401, 402, 408, 409, 461, 689.
- Fort St. Charles, Preface.
- Fort Snelling, 373, 375, 377, 393-410, 479, 480, 487, 491, 503, 524, 528-9, 539, 545, 604, 623, 629, 630, 827.
- Fort Snelling, The Sale of, 1857, by Prof. William W. Folwell, 393-410.
- Fortier, Prof. Alc  e, obituary sketch, 836.
- Fossum, Prof. Andrew, 227, 247, 250, 256, 282, 283.
- Franklin, Benjamin, 381.
- Franklin Steele Square, Minneapolis, 601.
- Free trade, lumber, 471, 476.
- Freeman, Charles H., 364.
- Freight rates, railroad, 106, 107, 129, 143, 144, 154.
- Frontier, western, 632, 633.
- Galbraith, Major Thomas J., 293, 323, 335, 815.
- Gale, Harlow A., 505, 506.
- Gale, Samuel C., 502, 505, 506.
- Galtier, Rev. Lucian, 790.
- Gannett, Henry, 660; obituary sketch, 836.
- Gardiner, Montana, 643, 665.
- Gardner, Thomas, 506.
- Garfield, President James A., quoted, 179, 186; 575, 576.
- Gates, Rev. Horatio, 284.
- Gates, Mrs. William G., 689.
- Geese, wild, 315, 450.
- Genealogy, 809.
- Geneva, N. Y., 669, 670, 673.
- Geological and Natural History Survey, Minnesota, 301, 478, 824-827, 829, 830.
- Geological Society of America, 826.
- Geological Survey, U. S., 656, 659, 836.
- Geologists, International Congress of, 826.
- Getchell, Alva, 362, 364, 365.
- Getchell, Sergeant D. W., 362, 365.
- Geyser basins, 655, 656-8, 662, 666.
- Ghent, Treaty of, 1814, 379-392.
- Giddings, Hon. Joshua R., 756.
- Gideon, George W., 362, 364, 365.
- Gilbert, Charles B., obituary sketch, 837.
- Gilfillan, Hon. James, 212, 693, 760.
- Gilfillan, Hon. John B., 587; Memorial of Henry P. Upham, 811.
- Gilfillan, Rev. Joseph A., obituary sketch, 837.
- Gillette, Warren C., 640, 642, 655.
- Gilman, Hon. Charles A., 554, 574, 579, 582, 588.
- Gjessing, Helge, 256, 282, 283.
- Glacial period, 234, 235, 246, 827, 828.
- Glacier National Park, 666.
- Glader, Hon. Gustavus A., 363.
- Glencoe, Minn., 306, 358, 376.
- Glenwood park, Minneapolis, 604.
- Godfrey house, Minneapolis, 508.
- Goiffon, Rev. Joseph, 322.
- Gold mining, 633.
- Goodhue, Mrs. James M., 545, 550.
- Goodrich, Albert M., Early Dakota Trails and Settlements at Centerville, Minn., 315-322.
- Goodrich, Earle S., obituary sketch, 837.
- Gordon, Hon. Hanford L., Memorial of Gen. James H. Baker, 756-7.
- Gordon, Richards, 542.
- Gorman, Gov. Willis A., 6, 7, 15, 17, 19, 22, 190, 191, 197, 546, 549, 815.
- Gorman, Mrs. Willis A., 546.
- Gothland, 227, 257, 258, 274, 275.



- Gotzian, Conrad, 802.  
 Gould, Chester N., 256, 283.  
 Gould, Major Ozro B., 558.  
 Governor Ramsey, steamer, 527, 528.  
 Governors of Minnesota, Lives, by Gen. James H. Baker, 755, 757, 778.  
 Grace, Bishop Thomas L., 783.  
 Graham, Dr. Archibald, 399-401, 404, 406, 409.  
 Graham's Point, Red river, 428, 431, 432, 434.  
 Grand Army of the Republic, 729, 739, 754, 755, 758, 761, 777, 779.  
 Grand Canyon, Yellowstone river, 645, 646, 658, 659.  
 Grand Forks, N. D., 473.  
 Grand Portage, Minn., 380, 382, 383, 388.  
 Grand Portage, St. Louis river, 386.  
 Grand Rapids, Minn., 298.  
 Grand Teton, mountain, 656.  
 Grangers, Patrons of Husbandry, 70-87, 120-151, 159-163, 173, 176-183, 187.  
 Grant, Captain Hiram P., 361.  
 Grant, President U. S., 150, 407, 511, 559, 565, 574, 695, 696, 716, 756.  
 Grant, Prof. U. S., 392, 826.  
 Grapes in Vinland, 231.  
 Grasshoppers, 131.  
 Graves, Hon. Charles H., 170, 559.  
 Great Northern railway, 190, 203, 220, 310, 767.  
 Great Salt Lake, 639.  
 Greeley, Horace, 512, 538, 558.  
 Greeley, Dr. M. R., 504.  
 Green, Prof. Samuel B., Memorial by President Northrop, 774-6.  
 Greenland, 229, 230-233.  
 Grevstad, N. A., 286.  
 Grey Cloud, Sioux woman, 371.  
 Grey Cloud Island and its Vicinity, Historical Notes, by John H. Case, 371-378; 408.  
 Grey Iron, Sioux, 371, 376.  
 Griggs, Chauncey W., 806.  
 Grimshaw, Robert E., 502, 506.  
 Grimshaw, Mrs. S. B., 492.  
 Grindelund, Hon. Andrew, 237.  
 Grindstones, 455-460.  
 Grizzly Bear, 376.  
 Groseilliers and Radisson, 319.  
 Guerin, Mr. and Mrs. Vital, 610.  
 Hackett, Capt. Charles W., 693.  
 Hagen, Prof. O. E., 256, 284.  
 Hahn, Hon. William J., 211.  
 Hale, Hon. John P., 814.  
 Hall, Hon. Albert R., 559.  
 Hall, Halsey R. W., obituary sketch, 837.  
 Hall, Harlan P., 560, 571, 690, 697, 701, 843.  
 Hall, Hon. Liberty, 562.  
 Hall, Hon. Osee M., obituary sketch, 838.  
 Hall, Hon. William Sprigg, 721.  
 Hall of Fame, Washington, D. C., 729, 738; Capitol of Minnesota, 731, 739.  
 Halvorson, Hon. Kittel, 591.  
 Hamlin, Conde, 701, 706.  
 Hamline, Bishop Leonidas L., 801.  
 Hamline University, 741-3, 746, 747, 801.  
 Hancock, Gen. Winfield S., 575.  
 Handy, De Witt C., 357, 363, 366.  
 Handy, William C., 701.  
 Hardin, Hon. John J., 715.  
 Harmon, Allen, 501, 601.  
 Harney, Gen. William S., 404.  
 Harriet island, 532, 621, 622, 629.  
 Harrington, Captain Lewis, 362, 364.  
 Harrison, President Benjamin, 805.  
 Hartley, Gilbert, 467.  
 Hartwell, Electa, and A. K., 488, 492.  
 Hastings, Minn., 120, 371, 377, 378, 758, 762, 763.  
 Hastings and Dakota railroad company, 58, 98.  
 Hatch, Dr. Philo L., 506.  
 Hauser, Gov. Samuel T., of Montana, 636, 640, 642, 650, 654, 655.  
 Hawaiian music, 529.  
 Hay meadows, 467.  
 Hayden, Dr. F. V., 648, 659, 660-665.  
 Hayden, Herbert L., obituary sketch, 838.  
 Hayden survey, 656, 659, 836.  
 Hayes, President. Rutherford B., 571, 572.  
 Haynes, Prof. Henry W., obituary sketch, 838.  
 Hazzard, George H., 613.  
 Health, State Board of, 673-5, 677, 679, 680-4.  
 Heard, Hon. Isaac V. D., obituary sketch, 838.  
 Heatwole, Hon. Joel P., 584.  
 Hedberg, J. P., 222.



- Hedges, Judge Cornelius, 640, 641, 642, 645, 647, 650, 658, 659, 660, 663, 664, 665.  
 Heiskell, William K., 400-403, 410.  
 Helena, Montana, 643, 645, 659.  
 Helluland, 230, 232.  
 Hennepin, Father Louis, 247, 320, 624.  
 Hennepin county, Territorial Pioneers, 508.  
 Hennepin island, 512, 521.  
 Herdman, Rev. J. C., obituary sketch, 838.  
 Heroines of pioneer settlement, 454, 516, 517, 544.  
 Hewitt, Dr. Charles N., Biographic Memorial, by Prof. William W. Folwell, 669-686.  
 Hibbing, 308.  
 Hicks, Col. Henry G., 558.  
 Hill, Alfred J., 392.  
 Hill, James J., 459, 460, 461, 466, 537, 611, 627, 693, 767.  
 Hill lake, 467, 468.  
 Hinkle, William H., Biographic memorial of Hon. Samuel R. Thayer, 804-5.  
 Hinman, Rev. Samuel D., 340.  
 Hickey, W. O., 509.  
 Historical Notes of Grey Cloud Island and its Vicinity, by John H. Case, 371-378.  
 Historical Society; see Minnesota.  
 History of the Parks and Public Grounds of Minneapolis, by Hon. Charles M. Loring, 599-607.  
 History of the Parks and Public Grounds of St. Paul, by Lloyd Peabody, 609-630.  
 Hi-u-ka, Sioux, 367, 370.  
 Hoag, Charles, 488, 500.  
 Hoar, Hon. George F., quoted, 566.  
 Hobart, Revs. Chauncey and Morris, 744.  
 Hodges, Hon. Leonard B., 92.  
 Hoegh, Dr. Knut, 256, 283.  
 Holand, Hjalmar Rued, owner of the Kensington Rune Stone, 223, 226, 238, 247, 250, 256, 268, 277-280, 281-286.  
 Holcombe, Hon. William, 815.  
 Hole-in-the-Day, 491, 529.  
 Hollinshead, William, 540.  
 Holmes, Thomas G., 359, 360, 366.  
 Holvik, John A., 239, 240, 248, 256.  
 Holy Light, Sioux, 373.  
 Horsford, Amanda, 531, 543.  
 Horticultural Society, 775.  
 Horticulture, 537-8, 774.  
 Hosmer, Hon. Hezekiah L., 634, 635.  
 Hotchkiss, W. A., 488.  
 Hotchkiss, Prof. W. O., 236.  
 Hotvedt, Joseph, 222.  
 Houle, Joseph, 322.  
 House of Hope Church, St. Paul, 706, 707.  
 Howard lake, 315, 319.  
 Hubbard, Gov. Lucius F., 555, 556, 559, 563, 569, 570, 571, 573, 576, 581, 582-4, 597, 677, 803; Address on the Presentation of the Portrait of Professor Jabez Brooks, 743-4; Biographic Memorial, by Warren Upham, 776-8.  
 Hudson bay, 229-232, 247-8, 282, 284, 389.  
 Hudson Bay Company, 371, 390, 480.  
 Huey, Lieutenant William, 329, 330, 333.  
 Huggins, Rufus, 334.  
 Hughes, Archbishop, 719.  
 Hughes, Thomas, Biographic memorial of Gen. James H. Baker, 754-5.  
 Humphrey, James K., 531.  
 Humphrey, John Ames, Boyhood Remembrances of Life among the Dakotas and the Massacre in 1862, 337-348.  
 Humphrey, Dr. Philander P., 337.  
 Hunt, Mrs. Edgar, 547.  
 Hunt, J. J., 125.  
 Hunt, John, 428-431.  
 Huron Indians, 316-319.  
 Huseby, Olaf, 256, 284.  
 Hutchinson, Minn., 358, 363, 364, 367-370.  
 Hygiene, 672, 678-680.  
 Ice age, 234, 235, 246, 827, 828.  
 Idaho, state, 666.  
 Illinois, railroad legislation, 15, 65, 108, 140, 141, 146, 186, 205.  
 Illinois Central railroad, 15, 21, 25, 65.  
 Illinois Historical Society, 270, 278, 285.  
 Immigration to Minnesota, 290, 435, 452-454, 485, 486, 497, 521, 522, 532, 538-9, 552, 632.

- Indian mounds, 233, 824.  
 Indian Mounds Park, St. Paul, 620, 623, 626, 629, 630.  
 Indian trails, 315-321, 375, 489, 643.  
 Indians, 489-491, 522, 528, 530, 633, 643; see also Ojibways, Sioux, Winnebagoes.  
 Ingeman, Ole, 353.  
 Ingersoll, Daniel W., 561, 688, 693.  
 Inkpaduta, 332.  
 Intemperance, 526, 681-2.  
 Internal improvement lands, 38-44, 204, 207, 294, 301-305.  
 International Typographical Union, 703, 704.  
 Inver Grove, 374.  
 Investment, Board of, 299, 300, 302-304.  
 Iowa, Historical Library, 789.  
 Ireland, Archbishop John, 252, 694, 719, 783, 786, 789; Address at the Unveiling of the Statue of General Shields, 731-740.  
 Ireland, 711, 712, 721, 727, 731-2, 735, 739, 740.  
 Iron ore lands, 297-299, 302-304, 310, 311, 826.  
 Iron Range, 751.  
 Irvine, John R., 611.  
 Irvine, Mrs. John R., 539.  
 Irvine Park, St. Paul, 534, 543, 611, 781.  
 Isle Royale, 381, 382, 384, 389, 391.  
 Iverslie, P. P., 256, 282, 286.  
 Iverson, Hon. Samuel G., State Auditor, The Public Lands and School Fund of Minnesota, 287-314.  
 Ives, Hon. Gideon S., 584.  
 Jackson, Iver, 354.  
 Jackson, Rev. Sheldon, obituary sketch, 839.  
 Jackson, Gen. Thomas J. ("Stonewall"), 716, 722-4, 738.  
 Jaggard, Hon. Edwin A., obituary sketch, 839.  
 Jefferson, President Thomas, 543.  
 Jesup, Gen. Thomas S., 398.  
 Jewett, William J., 443.  
 Jewett family, killed by Sioux, 443.  
 Johnson, President Andrew, 640.  
 Johnson, Emil, 222.  
 Johnson, Gates A., 464.  
 Johnson, Gunder, 241-243.  
 Johnson, Gov. John A., 486, 597; Memorial Address in his honor, by Justice Thomas D. O'Brien, 749-751; Statue at the State Capitol, 752.  
 Johnson, John E., 222.  
 Johnson, P. M., 353.  
 Johnson, Schuyler, 506.  
 Johnson Parkway, St. Paul, 630.  
 Johnston, Daniel S. E., A Red River Townsite Speculation in 1857, 411-434; personal references, Preface, 411, 434, 485, 697; obituary sketch, 839.  
 Johnston, Gen. Joseph E., 716.  
 Jones, D. C., 459.  
 Jones, Edwin S., 503, 506.  
 Jones, Hon. Richard A., 90, 106, 109.  
 Jones, Robinson, 350-354, 358, 360.  
 Jones, Mrs. W. E., 488.  
 Judson, Minn., 447, 448, 450.  
 Kalm, Peter, 267, 283.  
 Kaministiquia river, 381, 383, 388.  
 Kandiyohi county, 355.  
 Kansas, paleoliths, 828; Historical Society and its building, 841.  
 Kaposia, 321, 366, 373, 375.  
 Kaskaskia, Ill., 713, 732, 735.  
 Kasota, 334, 335, 337.  
 Keating, Prof. William H., 247.  
 Keith, Dr. George H., 504.  
 Kelley, Oliver H., founder of the Patrons of Husbandry, 73-85, 187.  
 Kellogg, Hon. Frank B., 584.  
 Kelly, Hon. Patrick H., 693.  
 Kelly's Bluff, or Acton, battle in Sioux war, 355-366.  
 Kenna, Sergeant Michael, 362, 366.  
 Kensington Rune Stone, Preliminary Report by the Museum Committee, 221-286, 828; size and description, 225-227, 233-237, 246, 248, 286; the inscription, 226, 227, 246, 249-277.  
 Kentucky, pioneer settlers, 515, 516.  
 Kenwood Boulevard, Minneapolis, 603.  
 Kerr, Hon. Charles D., 554.  
 Keweenaw peninsula, 389.  
 Kiester, Hon. Jacob A., 153.  
 Kimball, Col. Nathan, 723, 738.  
 Kindred, Charles F., 579, 580.  
 King, Hon. William S., 488, 511, 568, 571, 601, 602, 603, 693.

- King's Highway, Minneapolis, 603.  
 Kingsbury, Charles W., 779.  
 Kingsbury, David L., Biographic  
 memorials, 778-780.  
 Kittelson, Hon. Charles, 49, 574.  
 Kittson, Norman W., 541.  
 Kline, Frank J., 474.  
 Knappen, Theodore M., 749.  
 Kneeland, Cordelia, 545.  
 Knickerbacker, Rev. David B., 488.  
 Knife lake, Kanabec county, 319.  
 Knights of Labor, Minneapolis, 602,  
 607.  
 Knoblauch, Anton, 364.  
 Krieger, Louis, 615.
- Labrador, 230, 231, 250.  
 Lady Franklin, steamer, 519.  
 Lafayette Square, St. Paul, 613.  
 Laird, William H., obituary sketch,  
 839.
- Lake Calhoun, 480, 512, 513, 602.  
 Lake City, 121, 452, 555, 840.  
 Lake Christina, 227.  
 Lake Como, 618, 619, 623, 630.  
 Lake Harriet, 601, 602, 603.  
 Lake Henry, 414.  
 Lake Minnetonka, 499.  
 Lake of the Isles, 602, 603; park,  
 606.  
 Lake of the Woods, Preface, 379,  
 380, 382, 389, 392.  
 Lake Pepin, 375.  
 Lake Phalen, 619, 620, 623, 630.  
 Lake Pomme de Terre, 427, 432.  
 Lake Rebecca, Hastings, 377, 378.  
 Lake Superior, 380-386, 391, 464,  
 744-5, 755.  
 Lake Superior and Mississippi rail-  
 road company, 51, 57, 58, 65,  
 117, 129, 130, 309.  
 Lake Traverse, 372.  
 Lakewood Cemetery, 512; Associa-  
 tion, 603.
- Lamotte, Francis, 322.  
 Lamprey, Uri L., 613.  
 Lamson, Chauncey, 364-370.  
 Lamson, James Birney, narrative  
 of the killing of Little Crow,  
 367-370.
- Lamson, Nathan, 364-370.  
 Land grants for internal improve-  
 ments, 38-44, 204, 207, 294, 301-  
 305; for railroads, 4-9, 16, 24,  
 26, 49-59, 63, 65, 66, 67, 112, 189,  
 193, 196, 204-208, 210, 215; for  
 schools and the State Univer-  
 sity, 287-314.
- Landsvark, Gulick, 222.  
 Langdon, Hon. Robert B., 559.  
 Langford, Augustine G., 548, 782.  
 Langford, Nathaniel P., 548, 631,  
 633-9, 648, 649, 654, 655, 656,  
 660-668, 780-9.
- Langford, Nathaniel Pitt, the Vigi-  
 lante, the Explorer, the Ex-  
 pounder and First Superintend-  
 ent of the Yellowstone Park,  
 by Olin D. Wheeler, 631-668;  
 Biographic memorials, 780-789.
- Laraway, O. M., 506.  
 Larson, Albert, 222.  
 Lavallee, F. X., 322.  
 Lawler, Bishop John J., Memorial  
 of Rev. Ambrose McNulty, 791-  
 3.
- Laws, relating to state lands, 294-  
 299, 312.
- Leadbeater, Mark, 428, 430, 431, 432.  
 Leaf mountains, 417.  
 Leavenworth, Gen. Henry, 394.  
 Le Boutillier, Dr. Charles W., 334.  
 Le Duc, Gen. William G., Memorial  
 of Nathaniel P. Langford, 782-3.
- Lee, Col. Francis, 396.  
 Lee, Gen. Robert E., 716.  
 Leech lake, 467, 474, 477, 491.  
 Legislation, Railroad, in Minnesota,  
 1849-1875, by Rasmus S. Saby,  
 1-188.
- Leonard, Hon. Joseph A., 693.  
 Leonard, Dr. William E., Early  
 Days in Minneapolis, 497-514.  
 Leonard, Dr. William H., 504, 506,  
 507-8, 511.
- Le Sueur, Pierre Charles, 321.  
 Le Sueur, Minn., 323, 325.  
 Letterman, Dr., 671.  
 Lewis and Clark expedition, 642.  
 Lexington Parkway, St. Paul, 625.  
 Library Building, proposed for this  
 Society, 787-9, 830.
- Lightner, William H., 780; Bio-  
 graphic memorial of Henry P.  
 Upham, 806-810.
- Lightning lake, 416, 417, 423.  
 Lincoln, President Abraham, 553,  
 585, 670, 694, 713, 714, 715, 718,  
 719, 724, 735, 756, 816, 840.  
 Lind, Gov. John, 584, 588, 591, 844.  
 Lindeke, William, 613.

- Linwood Park, St. Paul, 622, 629.  
 Liquors, sold to Indians, 324, 351, 352, 490.  
 Listoe, Hon. Soren, 169.  
 Litchfield, E. B., 219.  
 Little Crow, 324, 329, 333, 341, 343, 353, 361, 363, 364, 366-370, 373, 375, 393, 491.  
 Little Crow Uprising, Reminiscences, by Dr. Asa W. Daniels, 323-336.  
 Little Falls, Minn., 408, 432, 827.  
 Little Falls and Dakota railroad company, 310.  
 Little Rock, trading post, 372.  
 Little Six, Sioux; see Shakopee.  
 Lockey, Joseph, obituary sketch, 840.  
 Locomotive, first in Minnesota, 217.  
 Logan, Stephen T., 715, 735.  
 Logging, 466, 469, 473, 478, 819-823.  
 Lombard, Jules, 496.  
 Long lake, Pigeon river, 381, 383, 389.  
 Longstreet, Gen. James, 716.  
 Loring, Hon. Charles M., History of the Parks and Public Grounds of Minneapolis, 599-607; with a Postscript by Prof. William W. Foilwell, 607-8.  
 Loring Park, 602, 604, 608.  
 Louisiana Purchase, 481, 787.  
 Lovejoy, Hon. Owen, 814.  
 Lower Sioux Agency, 338-343, 353, 376.  
 Lowry, Gen. Sylvanus B., 530.  
 Lowry, Thomas, 693; obituary sketch, 840.  
 Loyal Legion, 729, 739, 754, 761, 777, 779, 780.  
 Lumber industry, 215, 466-478, 523, 817-824, 840, 841, 845.  
 Lynch, James M., 704.  
 Lynd, Hon. James W., 320; quoted, 321.  
 Lyndale park, Minneapolis, 603.  
 Macalester College, 484.  
 McCardy, Hon. Joseph J., 567, 596.  
 McClellan, Gen. George B., 724, 728.  
 McClure, Thomas C., 554, 814.  
 McCormick, Hon. Robert L., obituary sketch, 841.  
 MacDonald, Hon. John L., 559, 560, 588.  
 Macdonald, Hon. Colin F., Biographic memorial of Hon. Loren W. Collins, 757-762; and of Hon. Henry C. Waite, 813-816.  
 McGannon, James, 367, 370.  
 McGill, Gov. Andrew R., 486, 561, 563, 566, 567, 588, 589, 590, 597.  
 McGraw, James, 354.  
 Mack, Charles and Jesse, 441, 442.  
 McKinley, President William, 593, 594.  
 Mackubin, Hon. Charles N., 202.  
 MacLaren, Dr. Archibald, 706.  
 McLaren, Gen. Robert N., 564, 571, 575, 584, 695.  
 McLeod, Captain George A., 450.  
 McMasters, Rev. Sterling Y., 693.  
 McMillan, Hon. and Mrs. S. J. R., 543, 568, 570, 571, 576, 589, 696.  
 McNulty, Rev. Ambrose, Biographic memorials, by Rev. Francis J. Schaefer, 789-791, and Bishop John J. Lawler, 791-3.  
 Magner, John, 344, 345, 346.  
 Mahan, Rear Admiral Alfred T., obituary sketch, 840.  
 Mail routes, 1849, 2.  
 Maine, railroad legislation, 105.  
 Mammoth Hot Springs, Yellowstone Park, 652, 655, 663.  
 Mandan Indians, 267.  
 Mankato, 160, 323, 326, 333, 443, 445-448, 753, 837.  
 Mantorville, 166.  
 Mariaklagan, 255, 272, 274, 285.  
 Markland, 230, 232.  
 Marsh, Captain John S., 327, 345, 346, 348, 357, 362.  
 Marsh lands, 315, 317-319, 483, 491.  
 Marshall, David, 515.  
 Marshall, James, 363, 366.  
 Marshall, Joseph M., 517, 521, 522, 534.  
 Marshall, Gov. William R., 39, 40, 41, 42, 153, 204, 205, 397, 517, 518, 519, 521, 522, 523, 524, 526, 530, 532, 534, 540, 547, 551, 553, 554, 556, 561, 574, 575, 577-8, 597, 662, 690, 693, 695, 758, 782, 786.  
 Marshall, Mrs. William R., 547-549.  
 Martin, Charles J., 766; obituary sketch, 841.  
 Martin, Secretary George W., obituary sketch, 841.  
 Mason, Gen. and Mrs. Edwin C., 779, 780.



- Massachusetts, railroad legislation, 105, 169; State Board of Health, 673.
- Massacre in 1862, 323-370; also see Sioux.
- Masterson, H. F., 537-8.
- Mather, Hon. John C., 399-404, 406.
- Maxfield and Seabury, 803.
- Mayflower Society, 809.
- Mayo, Dr. William W., 326, 327, 329, 330; obituary sketch, 841.
- Mazurka Hall, St. Paul, 544.
- Medary, Governor Samuel, 191.
- Medical Examining Board, 683.
- Medicine Bottle, Sioux chief, 372-376.
- Medicine dances, Sioux, 340.
- Meeker, Judge B. B., 396, 524, 815.
- Memorial Address in Honor of Governor Johnson, by Justice Thomas D. O'Brien, 749-751.
- Memorial Commission, John Albert Johnson, 752.
- Memories of the Early Life and Development of Minnesota, by Thomas B. Walker, 455-478.
- Mendenhall, Mrs. Abby, Diary, 511.
- Mendota, 331, 375, 479, 481, 519, 539, 545, 629.
- Menzel, Gregor, 472.
- Merriam, Hon. John L., 565.
- Merriam, Gov. William R., 584, 590, 591, 613.
- Merriam Park, St. Paul, 551.
- Merrick, Rev. John A., 526, 536.
- Merrill, E. A., 504.
- Merrill, E. W., 485.
- Merriman, O. C., 502.
- Mesaba iron range, 297, 298.
- Methodist denomination in Minnesota, 743-4.
- Mexican War, 715-717, 730, 736-738.
- Michigan, railroad legislation, 205.
- Midway Parkway, St. Paul, 627.
- Mille Lacs, 318, 320, 321.
- Miller, Hugo, 704.
- Miller, Joaquin, poet, 756.
- Miller, Gov. Stephen, 446, 486, 559.
- Millet, Francis D., artist, obituary sketch, 842.
- Mills, E. P., 485.
- Minneapolis, Preface, 355, 397, 458, 478, 479, 481, 487, 488-494, 500, 505, 508, 513, 514, 533, 538, 600, 699, 700, 746, 769-773.
- Minneapolis, Early Days in, by Dr. William E. Leonard, 497-514.
- Minneapolis, History of the Parks and Public Grounds, by Hon. Charles M. Loring, 599-607; with a Postscript by Prof. William W. Folwell, 607-8.
- Minneapolis Institute of Arts, 767, 769, 842.
- Minneapolis Journal, 277-280, 281, 285.
- Minneapolis, men in Sioux war, 355-366; public library founded, 493-4, 504; origin of name, 500.
- Minneapolis and Cedar Valley railroad company, 8, 11, 39, 46, 50, 53, 54, 55, 192, 199.
- Minneapolis and St. Louis railroad company, 148, 173, 816.
- Minneapolis, St. Paul, and Sault Ste. Marie railroad company, 816.
- Minnehaha creek, 397, 528.
- Minnehaha falls, 480, 503, 528.
- Minnehaha park, 500, 503, 603, 604; parkway, 603.
- Minnesota Academy of Science, 795, 826.
- Minnesota Academy of Social Sciences, 1.
- Minnesota and Northwestern railroad company, 5, 11, 17, 18, 19, 24, 25, 27, 29, 189.
- Minnesota and Pacific railroad company, 8, 11, 24, 29, 45, 50, 52, 192, 198, 199, 203, 215, 216.
- Minnesota Historical Society, permanent trust fund, 809; Memorial Addresses, 731-830; Other Deceased Members, 1909-14, Memorials by Warren Upham, 831-848; proposed Library Building, 787-9, 830; donation by Hon. James B. Wakefield, 847.
- Minnesota point, Duluth, 385, 390, 464.
- Minnesota Politics, Reminiscences of, by Captain Henry A. Castle, 553-598.
- Minnesota river, 393, 397, 412, 529, 530.
- Minnesota Valley railroad company, 55, 57.
- Minnetonka, Lake, 499.
- Missions, early, 526, 527, 831.
- Mississippi river, 392, 393, 395, 397, 466, 468, 478, 481, 495, 498, 519, 527-8, 532, 604, 620, 623, 626, 627, 755, 802, 819, 820, 827.



- Mississippi and Lake Superior railroad, 11, 28.  
 Mississippi River boulevard, St. Paul, 623, 624, 626, 629.  
 Missouri, state capitol burned, 788.  
 Missouri river, 632.  
 Mitchell, Rev. Edward C., 268, 788; Memorials, 793-800.  
 Mitchell, John, 390; his map of the British colonies, 381, 382, 388, 389, 390, 391.  
 Mitchell, Hon. William, 214, 760.  
 Mitchell, William B., 554.  
 Monongalia county, 355.  
 Montana, 633-666, 784, 786.  
 Montana Historical Society, 634, 648.  
 Montgomery, Ala., 470.  
 Monument at Acton, 350, 363.  
 Mooers, Hazen, 371, 372, 373.  
 Moore, Prof. John Bassett, 390.  
 Morgan, David, 504.  
 Morgan, Major George H., 510.  
 Morin, William A., obituary sketch, 842.  
 Morris, Mrs. Mary C., 601.  
 Morrison, Clinton, 767; obituary sketch, 842.  
 Morrison, Hon. Dorilus, 842.  
 Morse, Hon. Frank L., 168, 169, 170, 174, 175.  
 Moss, Mr. and Mrs. Henry L., 531, 543.  
 Moulton, J. C., 411-415, 417, 418, 420-423, 427, 428, 430-433.  
 Mounds, aboriginal, 233, 824.  
 Mt. Doane, 648, 666.  
 Mt. Everts, 652.  
 Mt. Langford, 647, 648, 666.  
 Mt. Stevenson, 648.  
 Mt. Washburn, 644, 645, 652, 666.  
 Mountain lions, 652, 653.  
 Muir, John, 662; obituary sketch, 842.  
 Municipal aid to railroads, 59, 60, 116, 120, 151.  
 Murphy, Captain Edward, 599.  
 Murray, Hon. William P., 535, 615, 764; Biographic memorial, by Henry S. Fairchild, 800-802.  
 Museum, Minnesota Historical Society, 370, 788, 797.  
 Museum Committee, 794, 795, 797, 828; Preliminary Report on the Kensington Rune Stone, 221-286.  
 Names of streets and avenues, Minneapolis, 513, 514.  
 Names, geographic, in Yellowstone Park, 665, 666; in Minnesota, 801.  
 Napoleon, 756.  
 Narratives of the Sioux War, by Marion P. Satterlee, 349-370.  
 National parks, 658, 666, 843.  
 Native Sons of Minnesota, 508, 513.  
 Naugonup, a Chippewa, 467, 468.  
 Negro socialism, 470.  
 Neighborliness of pioneer settlers, 437.  
 Neill, Rev. Edward D., 484, 535, 541, 621, 693.  
 Neill, Mrs. Edward D., 541.  
 Nelson, Gov. Knute, 170, 579, 580, 588, 593, 594, 597, 761, 803.  
 Nelson, Hon. Rensselaer R., 693.  
 Nemadji river, 385.  
 Ness settlement and cemetery, 350, 354, 355.  
 Netherlands, 805.  
 New Hampshire, railroad legislation, 104.  
 New Ulm, 151, 323, 325, 328-334, 365, 439, 444, 842.  
 New Year's Day, 1850, 526.  
 New York, railroad legislation, 105.  
 Newberry, Prof. John S., 825.  
 Newfoundland, 230.  
 Newspaper Publishers Association, American, 702-704.  
 Newspapers, quoted on railroad legislation, 188; early, in Minneapolis, 487-9, 499, 503, 504, 697, 839; in St. Paul, 690-692, 696-8, 837; in Red Wing, 777; early in Ohio, 837.  
 Newton, Sir Isaac, 692.  
 "Niagara," steamboat, burned, 688.  
 Nichols, Charles, 699.  
 Nichols, Marcus P., Preface, obituary sketch, 843.  
 Nichols, Samuel H., 588.  
 Nicollet island, 532-3, 600.  
 Nicols, John, 534, 693, 829, 833.  
 Nimocks, W. A., 76, 156.  
 Nininger, Minn., 377, 378.  
 Nissen, Dr. Henrik, 232.  
 Nordstroem, Rev. M. A., 280.  
 Normal schools, 314, 746.  
 Norman, Rev. O. A., 227, 250, 252, 282.  
 Norman Millennial Celebration, 286.

- North, Hon. John W., 815.  
 North, Mrs. John W., 527-8, 532-3.  
 North Dakota, 803.  
 North St. Paul, 701.  
 Northern Minnesota Boundary Surveys in 1822 to 1826, under the Treaty of Ghent, by Hon. William E. Culkin, 379-392.  
 Northern Pacific railroad company, 11, 58, 117, 130, 131, 218, 428, 509, 642.  
 Northmen, 229, 230-233.  
 Northrop, President Cyrus, Biographic memorial of William H. Dunwoody, 764-773; Memorial of Prof. Samuel B. Green, 774-6.  
 Northrup, Anson, 487, 491.  
 Northwest Fur Company, 385, 388, 390.  
 Northwest Territory, 481.  
 Norton, Hon. Daniel S., 693.  
 Norton, Harry, 663.  
 Nova Scotia, 230, 232, 249.  
 Noyes, Charles F., 804.  
 Noyes, Daniel R., 693.  
 Nussbaumer, Frederick, 609, 618.  
  
 Oak Point, Mississippi river, 468.  
 Oakes, Charles H., 405, 465, 542.  
 Oates, Gen. William C., 724, 738.  
 Oberlin College, 338.  
 O'Brien, John D., obituary sketch, 843.  
 O'Brien, Patrick, 695, 696.  
 O'Brien, Justice Thomas D., 791; Memorial Address in Honor of Governor Johnson, 749-751.  
 Ochagach, Assiniboin chief, 389, 391.  
 O'Connor, Andrew, sculptor, 752.  
 Officer, Mr. and Mrs. Harvey, 546.  
 Ogilvy, John, British commissioner, 380.  
 Ohage, Dr. Justus, 621.  
 Ohio newspapers, donated, 837.  
 Ohio railroad legislation, 105; geological survey, 825.  
 Ohman, Edward, 221, 224.  
 Ohman, Olof, discoverer of the Kensington Rune Stone, 221-226; 233, 237, 238-246, 248, 249, 278, 280, 285.  
 Ojibways, 316, 321, 384, 393, 408, 411, 416, 467-470, 479, 489-491, 528-9, 837.  
  
 "Old Bets," Sioux woman, 491.  
 Oliver, Lieut. William G., 377.  
 Oliver's Grove (Hastings), 377, 378.  
 Olmsted, Frederick Law, quoted, 606.  
 Olson, John M., 222.  
 Olson, Prof. Julius E., 256.  
 Olson, Samuel, 222, 223, 224, 245.  
 Osseo, Minn., 358.  
 Other Day, John, 355.  
 Otis, Hon. George L., 557.  
 Ottawa Indians, 316, 317.  
 Otter, 426.  
 Otter Tail lake, 432.  
 Otter Tail river, 417, 419, 424, 426, 431-433.  
 Ottumwa, Iowa, 728.  
 Owatonna, 87, 88, 103, 124, 126, 127, 128, 155, 166, 175, 834.  
 Owen, Sidney M., 591.  
  
 Paintings in the capitol, 842.  
 Paist, William, 158.  
 Palmer, Gov. John M., of Illinois, 83, 715, 735.  
 Panic of 1857, 31, 193, 216, 410, 433, 534, 537; of 1873, 130, 131, 470, 471, 476; of 1893, 476, 617.  
 Paris, Treaty of, 1783, 379, 381, 389.  
 Park Place, St. Paul, 526, 536.  
 Parker, Mrs. Rodney, landlady of the American House, St. Paul, 520, 523.  
 Parks and Public Grounds of Minneapolis, History, by Hon. Charles M. Loring, 599-607.  
 Parks and Public Grounds of St. Paul, History, by Lloyd Peabody, 609-630.  
 Parkways, Minneapolis and St. Paul, 604, 605, 622-630.  
 Parsons, George I., 127, 135, 158, 159, 161, 162, 163.  
 Passenger rates, railroad, 107.  
 Patmore, Tom, 432.  
 Patrons of Husbandry, 70-87, 120-151, 159-163, 173, 176-183, 187.  
 Pattison, Judge George, 724.  
 Peabody, Lloyd, History of the Parks and Public Grounds of St. Paul, 609-630.  
 Pearson, Edward, 517.  
 Pease, Granville S., 554.  
 Peavey, George W., obituary sketch, 843.

- Pelican lake, Grant county, Plate III at page 221; 227-229, 247, 248, 282.
- Peltier, Charles, Paul, and Oliver, 322.
- Pennsylvania, railroad legislation, 138, 140; immigrants to Minnesota, 486.
- Pennsylvania, University of, 1, 486.
- Perkins, George W., 513.
- Perkins, Hon. Oscar F., 815.
- Perrot, Nicholas, quoted, 316-319.
- Perry, Abraham, 480.
- Peterson, Hakan, 359.
- Peterson, Jonas, 353.
- Peterson, William, 640.
- Petterson, A. E., 286.
- Pettit, Hon. Curtis H., 458, 565; obituary sketch, 843.
- Phalen Park, St. Paul, 619, 620, 625, 630.
- Phelan, Edward, 620.
- Phelipeaux, Isle, 381, 382, 389.
- Pickett, Gen. George E., 716.
- Pierce, President Franklin, 720.
- Pigeon bay, 388, 389, 391.
- Pigeon river, 381, 382, 383, 388, 389, 391.
- Pike, Lieut. Z. M., quoted, 321; 393.
- Pike river, 381, 382, 387.
- Pilgrims, memorials at Delfthaven and Plymouth, 805.
- Pillsbury, Gov. John S., 45-49, 209, 210, 213, 513, 559, 570, 571-578, 597, 693, 698, 829.
- Pillsbury "A" mill, 512, 521.
- Pine Bend, Dakota county, 372, 374, 376.
- Pine lands, 296, 298, 302-304, 310, 463, 466-9, 473-8, 819, 820, 822, 823.
- Pioneer in Winona County, Journal of a, Preface.
- Pioneer Press, 696-8, 700, 701, 702, 756.
- Pioneers, character of, 453, 454, 497-8, 522, 538, 539, 544, 549.
- Playgrounds in St. Paul, 627, 628.
- Plummer, Col. Le Vinne P., 489.
- Plymouth Church, Minneapolis, 505.
- Plympton, Major Joseph, 394.
- Poehler, Hon. Henry, 559, 560.
- Poem, "Minnesota in Panorama," Preface; describing the pioneer, 454.
- Pokegama bay, St. Louis river, 386.
- Pokegama lake, Mississippi river, 466-470.
- Politics, Reminiscences of Minnesota, by Captain Henry A. Castle, 553-598.
- Polk, President James K., 715, 717, 733.
- Pomeroy, Hon. Samuel C., 663, 664.
- Pomme de Terre, lake, 427, 432.
- Pond, Rev. Gideon H., 513.
- Pond, Rev. Samuel W., 350, 351, 513, 530.
- Poplar tree on the Rune Stone, 221-224, 245, 246, 248.
- Porter, Hon. Peter B., 380, 383, 388.
- Portrait Collection, Minnesota Historical Society, 788.
- Post Office Department, United States, 594, 596.
- Prairie du Chien, Wis., 371, 372, 377, 394, 495.
- Prairie island, 316, 319.
- Prairie schooners, 482.
- Prentiss, J. W., 411-415, 419-421, 424, 426, 428, 432.
- Prescott, George W., 488.
- Prescott, Philander, 480, 481, 487.
- Presley, Bartlett, 613.
- Prices of farm products, 1866, 452.
- Prince, Mr. and Mrs. John S., 547.
- Prospect Terrace, St. Paul, 630.
- Public Building lands, 294, 301, 302, 305.
- Public Health, professorship, 682, 683.
- Public Instruction, Superintendent, 300.
- Public Lands and School Fund of Minnesota, by Hon. Samuel G. Iverson, State Auditor, 287-314.
- Pusey, Pennock, 567; quoted, 617.
- Putnam, Prof. Frederick W., 828.
- Pyle, Joseph G., 701.
- Quane, Jerry, 333.
- Quartz chips and implements, 827.
- Quinby, John C., 613.
- Quincy, Ill., 517-519, 532, 553.
- Rabies, 682.
- Radisson, 319.
- Rafting logs, 478.
- Railroad bonds, 195-214.
- Railroad commission, Minnesota, 143-145, 153, 184.

- Railroad Legislation in Minnesota, 1849 to 1875, by Rasmus S. Saby, 1-188; charters, 5-29; incorporation laws, 33; control, 1861-70, 61-70.
- Railroads, The Five Million Loan, by Prof. William W. Folwell, 189-214.
- Rainy lake and river, 382, 388.
- Ramaley, David, obituary sketch, 843.
- Ramsey, Gov. Alexander, 1, 2, 36, 37, 51, 52, 126, 197, 200-203; foundation of the state school fund, 288-295, 314; 395, 399, 409, 482, 483, 484, 494, 521, 523, 528-9, 532, 539, 551, 554-557, 561, 567-570, 576, 597, 690, 693, 695, 696, 698, 753, 785, 787.
- Ramsey, Mrs. Alexander, 524, 544-5.
- Randall, John H., The Beginning of Railroad Building in Minnesota, 215-220.
- Randall, Hon. John J., 153.
- Ranney, Henry C., obituary sketch, 844.
- Reagan, J. J., 730.
- Records of the Past, 283, 286.
- Red Dog, Sioux, 361.
- Red lake, 390, 491.
- Red river of the North, 174, 215, 229, 248, 282, 390, 419-433, 487, 528, 802.
- Red River Townsite Speculation in 1857, by Daniel S. B. Johnston, 411-434.
- Red Rock, 375.
- Red Wing, Minn., 673, 685, 741, 743-4, 746, 777, 838, 848.
- Redwood Agency, 338-343, 353, 376.
- Reed, Captain Axel H., 558.
- Reeve, Gen. J. V. D., 602.
- Reindeer in Alaska, 839.
- Remembrances, A Sheaf of, by Mrs. Rebecca Marshall Cathcart, 515-552.
- Remembrances, Boyhood, of Life among the Dakotas and the Massacre of 1862, by John Ames Humphrey, 337-348.
- Reminiscences of the Early Days of Minnesota, 1851 to 1861, by Rev. Frank C. Coolbaugh, 479-496.
- Reminiscences of the Little Crow Uprising, by Dr. Asa W. Daniels, 323-336.
- Reminiscences of Minnesota Politics, by Captain Henry A. Castle, 553-598.
- Rhode Island, railroad legislation, 104; Historical Society, 836.
- Rice, Hon. Albert E., 775.
- Rice, Hon. Edmund, 190, 216, 218, 526, 540, 559, 560, 588.
- Rice, Hon. Henry M., 197, 397-399, 405, 408, 409, 523, 540, 611, 690, 693, 719, 732, 785.
- Rice, Mrs. Henry M., 524, 540.
- Rice creek, Anoka county, 315-319, 321.
- Rice Park, St. Paul, 534, 535, 547, 611, 612.
- Rice's point, Duluth, 385.
- Rich Valley, Dakota county, 375.
- Richard Chute Square, Minneapolis, 508.
- Riggs, Rev. Stephen R., 341.
- Riis, Jacob, quoted on city parks, 606.
- Riverside park, Minneapolis, 604.
- Roads, 305, 312, 313.
- Robertson, Andrew, 372, 373.
- Robertson, Col. Daniel A., 80, 197, 545, 618.
- Robertson, Mrs. Daniel A., 545.
- Robinson, Gov. James F., of Kentucky, 515.
- Rochester, Minn., 89, 92, 94, 152, 175, 326, 839, 841, 842.
- Rogers, Mrs. Lucy, 492.
- Rolette, Joseph, Sr., 371.
- Rolette, Hon. Joseph, Jr., 801.
- Roosevelt, President Theodore, 749.
- Root, Noble G., 440, 442.
- Root River Valley and Southern Minnesota railroad company, 8, 11, 53, 55, 192.
- Rose, Anson H., 357, 363, 366.
- Rosen, A. T., 627.
- Rosing, Hon. Leonard A., obituary sketch, 844.
- Roster of Captain Strout's company at Acton, 365.
- Rouen, France, 286.
- Royale, Isle, 381, 382, 384, 389, 391.
- Rune books, 237-240.
- Rune Stone, Kensington, preliminary report by the Museum Committee, 221-286, 828.
- Russell, Roswell P., 375, 507.
- Russell, Thomas S., 746.
- Russell, W. F., 488.



- Sabin, Hon. Dwight M., 559, 571, 582-6, 590, 597.
- Saby, Rasmus S., Railroad Legislation in Minnesota, 1849 to 1875, 1-188.
- Sagas, 232, 273.
- St. Anthony, Preface, 11, 52, 53, 54, 61, 215-220, 393, 413, 433, 470, 478, 479, 484, 489, 497-9, 508, 512, 521-528, 532-3, 538, 545, 600, 831, 839.
- St. Anthony falls, 478, 479, 489, 509, 520, 522, 527, 528, 532-3, 827.
- St. Cloud, 219, 413, 461, 462, 528, 530, 554, 757-762, 779, 780, 803, 814, 816, 844.
- St. Croix Falls, Wis., 377.
- St. Louis river, 381, 383, 384, 385, 386, 389, 391.
- St. Paul, Preface, 479, 483, 489, 519-527, 531, 533-552, 700; aid to railroads, 59; first railroad, 215-220; topography, 217; Chamber of Commerce, 616, 617, 699, 809.
- St. Paul Academy of Science, 796, 799.
- St. Paul, Catholic Historical Society, Preface, 285.
- St. Paul, First National Bank, 807, 810.
- St. Paul, History of the Parks and Public Grounds, by Lloyd Peabody, 609-630.
- St. Paul, Remembrances, by Mrs. Rebecca Marshall Cathcart, 515-552.
- St. Paul Seminary, 624.
- St. Paul and Duluth railroad company, 309, 463-465, 689.
- St. Paul and Pacific railroad company, 53, 54, 55, 56, 58, 61, 67, 101, 117, 120, 137, 146, 148, 173, 217, 220, 509.
- St. Paul and Sioux City railroad company, 39, 44, 58, 101, 153, 155, 208.
- St. Peter, Minn., 323, 324, 325, 331, 332, 334, 335, 337, 347, 444-448, 479, 749, 752, 801, 834.
- St. Peter's river; see Minnesota river.
- Sale of Fort Snelling, 1857, by Prof. William W. Folwell, 393-410.
- Salt springs, lands, 294, 301, 302.
- San Francisco, Cal., 721, 722, 724.
- Sanborn, Gen. John B., 561, 563, 564, 575, 582, 584, 693, 787.
- Sanders, Col. Wilbur F., 636, 639.
- Sanitary survey, 679, 683.
- Sanitation, Civil War, 672.
- Satterlee, Marion P., Narratives of the Sioux War, 349-370; anniversary of the Battle of Acton, 364.
- Sauk Rapids, 803.
- Savory, George, 509.
- Scanian Law, 272, 274, 276, 285.
- Schaefer, Rev. Francis J., Preface, 268, 285; Biographic memorial of Rev. Ambrose McNulty, 789-791; Memorial of Rev. Edward C. Mitchell, 793-5.
- Schaller, Hon. Albert, 378.
- Scheffer, Hon. Albert, 587, 588, 590.
- Scheffer, Charles, 756.
- Schell, Hon. Richard, 400, 404, 406.
- Schmahl, Hon. Julius A., Biographic memorial of Hon. Clarence C. Dinehart, 764-5.
- School Fund, Public Lands and, of Minnesota, by Hon. Samuel G. Iverson, State Auditor, 287-314.
- School lands, granted by Congress, 290-313.
- Schools of Minnesota, 314; early, in Minneapolis, 491-3, 501-503, 507, 509-511; early, in St. Paul, 531, 832.
- Schurmeier, Theodore L., 613; obituary sketch, 844.
- Schuyler, Professor, 457.
- Scott, Gen. Winfield, 403, 716, 737, 738.
- Scrap-books, relating to Governor Johnson, 752.
- Scrip, Sioux and Chippewa half-breed, 463, 465, 466.
- Seabury, Hon. Channing, 693; Biographic memorial, by Everett H. Bailey, 802-804; Memorial of Henry P. Upham, 812.
- Searle, Hon. Dolson B., obituary sketch, 844.
- Secession, opposed by Gen. James Shields, 718, 736.
- Secombe, Rev. Charles, 485.
- Secombe, Hon. David A., 212, 213.
- Seeger, William, Sr., state treasurer, 560.
- Selby, Mr. and Mrs. J. W., 531, 541.



- Selby, Paul, 701.  
 Selkirk colony, 480.  
 Senescall, William, 375.  
 Seward, Hon. William H., address in St. Paul, 1860, 494, 495; in the Civil War, 728; other reference, 756.  
 Shadow Falls Park, St. Paul, 624.  
 Shakopee (Little Six), Sioux chief, 350, 351, 360, 361, 377.  
 Shakopee, Minn., 98, 348, 366, 530.  
 Shaw, George K., 587.  
 Shaw, Samuel, 516, 517.  
 Sheaf of Remembrances, by Mrs. Rebecca Marshall Cathcart, 515-552.  
 Sheehan, Col. Timothy J., obituary sketch, 844.  
 Shelbyville, 438, 439.  
 Shelter House, Camden park, Minneapolis, 603.  
 Shepley, E. L., 706.  
 Shevlin, Thomas H., obituary sketch, 845.  
 Shevlin-Carpenter Co., 473.  
 Shewenne river and townsite, 428, 432, 433, 434.  
 Shields, Dr. Daniel F., 729, 730.  
 Shields, General James, Soldier, Orator, Statesman, by Captain Henry A. Castle, 711-730; Address at the Unveiling of his Statue, by Archbishop John Ireland, 731-740.  
 Shields, Lytton E., James, and Lytton J., 711, 730.  
 Shoshone lake and Point, 656.  
 Sibley, Gov. Henry H., 197-200, 206, 207, 323, 333, 347, 355, 367, 370, 395, 396, 479, 481, 519, 539, 557, 575, 615, 693, 720, 721, 759, 785, 807, 815.  
 Sibley, Mrs. Henry H., 524, 539.  
 Simpson, Gen. and Mrs. James H., 545-6, 550.  
 Sinclair, Hon. Daniel, 693.  
 Sioux half-breed scrip, 463, 466.  
 Sioux Indians, 316-321, 323-336, 340-346, 349-370, 393, 394, 447, 481, 482, 489-491, 528-530, 621.  
 Sioux massacre and war, 1862-4, 323-336, 342-347, 349-370, 439-447, 461, 505, 538, 689, 757, 758, 785, 844.  
 Sioux massacre, Spirit Lake, Iowa, 1857, 332, 721, 739.  
 Sioux War, Narratives of the, by Marion P. Satterlee, 349-370.  
 Sisseton lake, 449, 450.  
 Skerries, Pelican lake, 227, 247, 250, 253, 282.  
 Skordalsvold, Prof. J. J., 256.  
 Slade, Gov. William, of Vermont, 531, 543.  
 Slavery, debates in U. S. Senate, 717, 718, 736.  
 Slayton, Minn., 764-5.  
 Smallpox, 678, 682.  
 Smith, Andrew, 358.  
 Smith, Birdsey W., 347.  
 Smith, Lieut. E. K., 394.  
 Smith, Fred L., 489.  
 Smith, Prof. Goldwin, obituary sketch, 845.  
 Smith, J. T., map, 229, 230.  
 Smith, Hon. James, Jr., 559, 570.  
 Smith, Hon. Robert, 403, 404, 405, 408, 410, 612.  
 Smith, Hon. Robert A., 546; obituary sketch, 845.  
 Smith, Mrs. Robert A., 546.  
 Smith, Truman M., obituary sketch, 845.  
 Smith Park, St. Paul, 612.  
 Social conditions of early Minnesota, 538-552.  
 Socialism, of Indians and negroes, 467-470.  
 Society of Colonial Wars, 761, 762.  
 Sogn, Norway, 265.  
 Soldiers' Home, 589, 624, 629.  
 Soldiers' Monument, St. Paul, 613.  
 Sons of the American Revolution, 761, 762, 799, 809.  
 Sons of the Colonial Wars, 761, 762, 799, 809.  
 Sorin, Rev. Matthew, 744.  
 South St. Paul, 373.  
 Southern Minnesota, Experiences in, 1859-1867, by Hon. Lorin Cray, 435-454.  
 Southern Minnesota railroad company, 44, 50, 55, 56, 58, 59, 63, 64, 67, 142, 190, 310.  
 Spanish-American war, 594.  
 Spencer, Dr. Kirby, 494.  
 Spencer, Mr. and Mrs. William, 547-8.  
 Sperry, Albert H., 359, 360, 363, 366.  
 Sperry, Dr. Lyman B., 660.  
 Spirit Lake massacre, 332, 721, 739.  
 Spirit Light, Sioux, 373.

- Spring lake, Dakota county, 374.  
 Springfield, Ill., 714, 735.  
 Springs, Chalybeate, Minneapolis, 512; St. Paul, 537.  
 Stannard, Hon. Lucas K., 815.  
 Stanton, Hon. Edwin M., 724, 728, 733, 738.  
 Staples, Samuel C., obituary sketch, 845.  
 Statistics, of land grants, sales, and resulting funds, 300-304; of State Board of Health, 680, 682.  
 Statue of General Shields, 729; Address at its Unveiling, by Archbishop John Ireland, 731-740.  
 Statue of Governor Johnson at the State Capitol, 752.  
 Statue, proposed, of Professor Winchell, 830.  
 Steamboats, 482, 483, 487, 519, 521, 527, 531, 533-4, 802.  
 Steele, Franklin, 197, 398, 399, 400, 402-409, 472, 499, 539, 601.  
 Steele, Mrs. Franklin, 524, 539.  
 Steele, Katherine B., 601.  
 Steenerson, Hon. Halvor, 584.  
 Stevens, Hon. Frederick C., 584, 597.  
 Stevens, Col. John H., 480, 481, 487, 489, 492, 499, 500.  
 Stevenson, James, 648, 656.  
 Stewart, Dr. Jacob H., 571, 572, 573, 597, 695.  
 Stewart, Levi M., 462.  
 Stickney, Alpheus B., 629.  
 Stickney, Benjamin, 640, 642.  
 Stillwater, Minn., 397.  
 Stone, Edwin, 362, 364, 366.  
 Stone, Prof. George B., 492, 493, 509.  
 Stone, H. Ward, obituary sketch, 846.  
 Storm, Gustav, 233.  
 Strait, Hon. Horace B., 559, 597.  
 Strathern, William and Walter, 375.  
 Street cars, Minneapolis and St. Paul, 513, 840.  
 Streets and avenues, Minneapolis, names, 513, 514.  
 Strike on the Iron Range, 751.  
 Stringer, Edward C., Biographic memorial of Hon. Francis M. Crosby, 762-4.  
 Strong, Charles D., 693.  
 Strout, Captain Richard, 356-366; roster of his company at Acton, 365.  
 Stuart, Gen. Charles B., 670.  
 Stuart, James, 640.  
 Stubbs, Milton C., 363, 366.  
 Stuntz, George R., 464, 466.  
 Sully, Gen. Alfred, 779.  
 Sully's Hill Park, N. D., 666.  
 Summit avenue, St. Paul, 536-8, 541, 604, 628, 629, 701.  
 Summit Park, St. Paul, 612.  
 Sumner, Hon. Charles, 717, 736.  
 Superior, Wis., 385, 386, 391, 464, 832.  
 Supreme Court, U. S., 110, 180-183, 185, 208.  
 Surprise parties, 550, 551.  
 Surveys, land and railroads, 463-466.  
 Suspension bridges, Minneapolis, 501, 512.  
 Swamp lands, granted to the state and to railroad companies, 54, 58, 65, 68, 173, 288, 294, 301-304, 307-311.  
 Swearingen, Rev. Henry C., 706.  
 Swift, Gov. Henry A., 54, 326, 347.  
 Taliaferro, Major Lawrence, 480.  
 Talman, John, Preface.  
 Tapper, Captain John, 375, 481, 501.  
 Tawney, Hon. James A., 584.  
 Taxation of railroad land grants, 66, 67, 68, 113.  
 Taylor, Bayard, 493; quoted, 781.  
 Taylor, Hon. and Mrs. James W., 547-8.  
 Taylor's Falls, State Park, 613.  
 Telesoga, 253.  
 Territorial Pioneers, Hennepin county, 508.  
 "Territorial road," 551.  
 Territory of Minnesota, Railroad Legislation, 1-10; railroad charters, 5, 10-29.  
 Tetons, Three, mountains, 656.  
 Thayer, D. B., 358.  
 Thayer, Hon. Samuel R., Biographic memorial, by William H. Hinkle, 804-5.  
 Thomas, Jesse, 442.  
 Thomas, Col. Lorenzo, 403.  
 Thompson, Hon. Clark W., 576, 577, 815.  
 Thompson, David, surveyor, 385, 390.  
 Thompson, George, 587, 702.

- Thompson, Horace, 567, 693, 807.  
 Thompson, James Egbert, 547, 807.  
 Thwaites, Secretary Reuben G., obituary sketch, 846-7.  
 Tilden, Hon. Samuel J., 571, 572.  
 Timber lands, 296, 298, 302-304, 310, 817-824; Dakota county, 374, 377, 378; on Red river, 424; northern Minnesota, 463, 466, 467, 469, 473-478; Mississippi bluffs in the Twin Cities, 624, 629; Yellowstone lake, 650, 651.  
 Todd, Prof. James E., 478.  
 Tornado, St. Paul, August 20, 1904, 622; St. Cloud and Sauk Rapids, April, 1886, 803.  
 Torrance, Judge Ell, 761.  
 Tousley, Captain George M., 325, 327, 328.  
 Tousley, Supt. Orson V., 510, 511.  
 Town and Country Club, St. Paul, 623, 624.  
 Townsite Speculation, A Red River, in 1857, by Daniel S. B. Johnston, 411-434.  
 Tracewell, Hon. R. J., testimonial relating to Captain Henry A. Castle, 596.  
 Trails, Indian, 315-321, 375, 482, 489, 643, 666.  
 Transit railroad company, 8, 11, 28, 29, 50, 53, 192, 193.  
 Traverse des Sioux, 347; Treaty, 349; 408.  
 Traves, F. W., 322.  
 Treaties with the Indians, 336, 482, 490, 528.  
 Treaty of Ghent, 1814, 379.  
 Treaty, Ojibways and Sioux, 1850, 528-9.  
 Treaty of Paris, 1783, 379, 381, 389.  
 Treaty by Pike, 1805, 393-5.  
 Treaty, Webster-Ashburton, 388.  
 Treaty with Sioux in 1851, 482.  
 Tree planting on streets, Minneapolis, 606.  
 Trumbull, Hon. Lyman, 715, 718, 814.  
 Trumbull, Walter, 640.  
 Turner, Prof. Frederick J., quoted, 846-7.  
 Tuttle, Calvin A., 487.  
 Tuttle, Rev. James H., 511.  
 Tuttle, Joseph, a Chippewa, 467-9.  
 Twiggs, Gen. David E., 716.  
 "Twin Cities," 533, 538, 605, 673, 697, 763, 767.  
 Twin City Rapid Transit Company, 840.  
 Tyler, Elmer, 487.  
 Type-setting machines, 702.  
 United States Geological Survey, 656, 659.  
 University of Minnesota, Preface, 1, 205, 292, 294, 301-304, 307, 310, 313, 485, 498, 499, 509, 513, 525, 604, 679, 680, 682, 683, 741, 744, 746-8, 764-5, 770, 774, 801, 825, 829, 830, 839, 845.  
 Upham, Henry P., 693; Biographic memorials, 806-813.  
 Upham, Dr. Warren, 268, 283, 284, 392, 478, 827, 828; notes relating to Governor Johnson, 752; Memorial of Governor Hubbard, 776-8; of David L. Kingsbury, 778-9; of Nathaniel P. Langford, 786-9; of Hon. William D. Washburn, 816; of Prof. Newton H. Winchell, 824-829; Memorials of other deceased members, 831-848.  
 Upper Sioux Agency, 355, 372.  
 Vaccination, 678, 682.  
 Van Cleve, Gen. Horatio P., 571.  
 Vanderburgh, Hon. Charles E., 760.  
 Van Dyke, Cleve, 222.  
 Van Dyke, Hon. T. S., 559.  
 Van Horne, Sir William, 460, 461.  
 Van Sant, Gov. Samuel R., 365, 597; Memorial of Gen. James H. Baker, 755.  
 Verendrye, explorer, Preface, 267, 283, 389.  
 Vermillion lake, 297, 381, 382, 384, 385, 387, 391.  
 Vermillion river, 381, 387.  
 Vermont, 762; railroad legislation, 106.  
 Vigilantes of Montana, 634-639, 784, 786.  
 Vinland, 227, 229, 230-232, 249, 250, 253, 269, 286.  
 Virginia City, Montana, 635.  
 Vital statistics, 680.  
 Voight, Hans, 243.  
 Von Baumbach, Hon. Frederick, 574.

- Wabasha, Sioux chief, 371, 375, 394.  
 Wade, Hon. Benjamin F., 756.  
 Wahpeton, N. D., 420, 431.  
 Waite, Hon. Henry C., 757; Biographic memorial, by Hon. Colin F. Macdonald, 813-816.  
 Wakefield, Hon. James B., 573, 597; obituary sketch, 847.  
 Walker, Lucius C., 461, 462.  
 Walker, Thomas B., Memories of the Early Life and Development of Minnesota, 455-478.  
 Walker, Minn., 478.  
 War Eagle, steamer, 482, 483.  
 Ward, Hon. William G., 559, 576.  
 Warwick, Frederick H., 613.  
 Waseca county, 834, 841.  
 Washburn, Gov. Cadwallader C., of Wisconsin, 766, 841.  
 Washburn, Hon. Elihu B., 715, 735.  
 Washburn, Gen. Henry D., 640-642, 644, 645, 647, 654, 659.  
 Washburn, John, 771.  
 Washburn, Hon. William D., 126, 503, 555, 556, 560-564, 567-8, 573, 575, 590, 597, 601, 693, 696; Biographic Memorial, by Warren Upham, 816.  
 Washington, George, 496.  
 Washington University, St. Louis, 493.  
 Water survey and analyses, 677.  
 Water transportation, 149-151, 161, 162, 173, 174, 458, 519, 802.  
 Watts, Hon. William, 237.  
 Waukenauboo lake, 467, 468.  
 Weathering, of the Rune Stone, 233-237; of stone implements, 828.  
 Webb, Robert W., 771.  
 Webber, Mr. and Mrs. Charles C., 603.  
 Webster, Daniel, statesman, 483, 717, 736, 756.  
 Webster, Viranus, 350, 352.  
 Welles, Henry T., 434, 462, 472.  
 Wells, H. G., 576.  
 Welsh, George, obituary sketch, 847.  
 Wenzel, Henry, 322.  
 West, Captain Josiah E., 554, 757.  
 West Side boulevard, St. Paul, 626, 627, 629, 630.  
 Westfall, Hon. I. M., 169.  
 Westwood, California, 477.  
 Weyerhaeuser, Frederick, 701, 841; Memorial, by Newel H. Clapp, 817-824.  
 Wharton, Dr. Alfred, 335.  
 Wheeler, Olin D., 268.  
 Wheeler, Olin D., Paper, Nathaniel Pitt Langford, the Vigilante, the Explorer, the Expounder and First Superintendent of the Yellowstone Park, 631-668; personal reference, 642.  
 Wheelock, Joseph A., 556, 562, 568, 570, 584, 609, 610, 615, 620, 623, 628, 690-3, 695, 696, 700; quoted, river bluff driveways, 604.  
 Wheelock, Webster, 706.  
 Wheelock Parkway, St. Paul, 624.  
 Whipple, Bishop Henry B., 331, 340, 465, 490, 529, 694.  
 Whitcomb, Captain George C., 355, 359, 360.  
 White, Hon. Milo, 559, 579; obituary sketch, 847.  
 White, Captain Truman S., 567.  
 Whited, Oric O., obituary sketch, 848.  
 Whiteman, Hon. Alonzo J., 591.  
 Whitford, Joseph, 432, 433.  
 Whitmore, Willard S., 489.  
 Whitney, Cornelius I., 612.  
 Wicklund, Peter, 353.  
 Widstrand, C. A., 502, 504.  
 Wilcoxson, Rev. Timothy, 526, 527, 536.  
 Wild rice, 315, 317-319, 321, 479.  
 Wilder, Mr. and Mrs. Amherst H., 548, 802.  
 Wilkin, Judge Westcott, 615.  
 Wilkinson, Gen. James, 393.  
 Wilkinson, Hon. Morton S., 570, 693, 720.  
 Will of Hon. William H. Dunwoody, 768-773.  
 Willes, Mr. and Mrs. Charles L., 546.  
 Williams, Archibald, 715.  
 Williams, John Fletcher, 830.  
 Williams, Thomas H., 504.  
 Williamson, Rev. Thomas S., 341, 543.  
 Williston, Hon. William C., 559, 560; obituary sketch, 848.  
 Wilson, Clara D., 350, 352, 354.  
 Wilson, Hon. Eugene M., 556, 693.  
 Wilson, Hon. George P., 559.

- Wilson, Hon. Thomas, 197, 293, 570, 588, 591, 815; obituary sketch, 848.
- Wilson, Wilford L., 560, 561, 562, 566, 693.
- Winchell, Prof. Alexander, of Michigan, 824, 825.
- Winchell, Prof. Alexander N., 392, 826.
- Winchell, Horace V., 826.
- Winchell, Prof. Newton H., 243, 244, 268, 280, 283, 284, 285, 391; The Kensington Rune Stone, Preliminary Report for the Museum Committee, 221-286; Address on the Presentation of the Portrait of Professor Jabez Brooks, 744-6; Memorial of Rev. Edward C. Mitchell, 795-7; Biographic memorials of Professor Winchell, 824-830.
- Winchell, Mrs. Newton H., 826, 827.
- Windom, Hon. William, Preface, 151, 571, 572, 574-6, 578-583, 588, 597, 693, 698.
- Winnebago Indians, 325, 447, 489, 540.
- Winona, Minn., 151, 157, 176, 197, 366, 371, 375, 581, 746, 837, 840, 841, 848.
- Winona and St. Peter railroad company, 53, 54, 58, 87, 89, 92, 93, 94, 97, 100, 101, 110, 112, 128, 130, 137, 138, 151, 166, 190, 192.
- Winona County, Journal of a Pioneer in, Preface.
- Winslow House, St. Anthony, 484, 512.
- Winston, Mrs. Philip B., 500.
- Wisconsin, railroad legislation, 165; Historical Library building, 789, 847; Historical Society, 841, 846-7; University of, Preface.
- Women, of early St. Paul, 539-552.
- Wood Lake, battle, 358, 365, 367, 758.
- Woods, Major Samuel, 408, 409.
- Wo-wi-napa, son of Little Crow, 367-370.
- Wright, Prof. G. Frederick, 828.
- Wright, George B., 458, 461-463.
- Wright, Grace Anne, Preface.
- Wright, Rev. John, Memorial of Henry P. Upham, 812-13.
- Wright, Hon. Jonathan W., 364.
- Wyoming, state, 666.
- Yale, Charles, 701.
- Yale, Hon. William H., 559, 564, 565.
- Yellow fever, 725.
- Yellow Medicine Agency, 355, 372.
- Yellowstone canyon, 645, 646, 658, 659.
- Yellowstone lake, 643, 644, 646, 647, 649-655.
- Yellowstone Park, Nathaniel Pitt Langford, the Vigilante, the Explorer, the Expounder and First Superintendent of, by Olin D. Wheeler, 631-668.
- Yellowstone Park, origin of its establishment, 658-666, 786, 787.
- Yellowstone river, 639, 643, 646, 652.
- Young, Hon. George B., 693.
- Young Women's Christian Association, St. Paul, 839.



















